

KASHMIR: INSURGENCY AND AFTER

Balraj Puri is a Jammu-based journalist, columnist and social activist. He started his public career as the editor of a weekly paper in 1942 and has been active in the political and social life of the country, with Jammu and Kashmir as his main area of interest. He has studied the aspirations of all ethnic identities of the state on both sides of the LoC and acted as a bridge between them. He has been a champion of a federal system in the state with autonomy to each region. He has attended seminars and addressed academic gatherings in countries like the U.S.A., U.K., Canada, Europe, Pakistan, Bangladesh, Sri Lanka. He is the recipient of many national awards, including the Padma Bhushan in 2005. He is the author and co-author of almost forty books, including *Communism in Kashmir* (1962), *Jammu: A Clue to the Kashmir Tangle* (1966), *Jammu and Kashmir: Triumph and Tragedy of Indian Federalization* (1981), *Abdullah Era* (1982), *Simmering Volcano: Jammu's Relations with Kashmir* (1983), *Impact of Armed Conflict on Children of JK* (2002) and *Muslims in India since Partition* (2007).

KASHMIR

Insurgency and After

BALRAJ PURI



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Contents

<i>Editorial Preface to the First Edition</i>	vii
1. Introduction	1
2. The Question of Accession	4
3. The Years of Uncertainty	15
4. The Clash of Identities	24
5. Beyond Democracy	45
6. Towards Insurgency	57
7. Of Human Rights	73
8. After the Insurgency	95
9. Wider Perspectives	112
<i>Notes</i>	135
<i>A Chronology of Important Events in Kashmir</i>	144
<i>Select Bibliography</i>	155

Editorial Preface to the First Edition

TRACTS FOR THE TIMES will attempt to provide meaningful information, critical perspectives, and theoretical reflections on various themes of contemporary concern. The tracts will seek to deepen our knowledge of crucial issues, query our common sense, re-think old concepts, and analyse the social and economic problems we confront.

The argument of this tract on Kashmir is developed around two central themes—autonomy and democracy. It argues passionately for the need to recognise the legitimacy of regional identities. The bonds between a region and the nation can be built on stronger grounds within a political culture which is sensitive to the democratic aspirations of people of different regions. In the early years after independence, the nationalist leadership was committed to a certain notion of autonomy of the state and of regional autonomy within the state within the framework of the nation state. In subsequent decades this idea was gradually thrown overboard. This led to a growing feeling of alienation and anger in Kashmir. When national and regional interests were presented as incompatible, the nation itself appeared opposed to the region. The reluctance of the Centre to concede any autonomy to Kashmir was matched by the refusal of the Kashmir leadership to allow Jammu any right to autonomy within the state. This created a tension between the different regions within the state and eroded the basis of a composite identity of the Jammu and Kashmir state.

The question of autonomy is linked to the issue of democracy. Puri shows that democratic institutions were never allowed to acquire roots in Kashmir. National leaders from Nehru to Jayaprakash Narayan agreed to one party rule in Kashmir. Democratically elected leaders of

the region were removed through central intervention, and democratic movements were repressed. It seemed as if in the case of the state of Jammu and Kashmir, democracy and nationalism were incompatible, as if the imperative of national integration allowed no possibility of any experiment in democracy. Democracy in Kashmir was projected as an impossible option, and demands for democracy were censored as anti-national. This denial of democratic rights deepened the alienation of the Kashmiri people. Terrorist and secessionist forces played on this sense of alienation.

Puri traces the story from 1947 when the princely state of Jammu and Kashmir acceded to India. The Maharaja of the State agreed to the accession after considerable vacillation. Supported by the All Jammu and Kashmir Rajya Hindu Sabha, he was initially in favour of a Hindu state independent of secular India, and then toyed with the idea of accession to Pakistan. Once the accession with India was formalised, the Government of India wanted it approved through a referendum. At this time the Congress was committed to the idea of plebiscite and confident of winning it. By 1953 this confidence had evaporated. Sheikh Abdullah was placed under indefinite detention and the question of plebiscite became a matter of prolonged debate. Puri unravels the complex process through which the emotional ties between Kashmir and the rest of India were subsequently ruptured, the basis of secular and democratic politics in Kashmir was weakened, the legitimacy of the Indian state was destroyed, and terrorism gained ground. The tract ends with reflections on the logic of terrorism, secessionism and communalism in Kashmir.

The implication of Puri's analysis are clear. Continued state repression will only widen the popular support of militant groups. Unless democratic processes are reintroduced and democratic groups have a space to operate, terrorism cannot be marginalised and contained. Unless the ties between the Kashmiri people and the rest of India are re-established, the region cannot be emotionally integrated to the nation. This cannot be done through a policy of pragmatic concessions. Nor through state initiative alone. The Kashmir problem is intimately linked to the way the entire nation sees the region, its politics, its diversities

and its people. There is a need to understand the democratic aspirations of the people and open our minds to the possibility of regional autonomy within a federated structure.

NEELADRI BHATTACHARYA (1993)

1

Introduction

This tract is an attempt at understanding the insurgency that began in the Kashmir valley—one of the three regions within the state of Jammu and Kashmir (J&K)—and gradually extended to the Jammu region in the next four or five years. This insurgency had simmered for a few years before it exploded fully in the beginning of 1990. Its causes are immediate as well as long term, and must take into account some unique features of the Kashmiri personality. The developments in the other two regions of the state, namely Jammu and Ladakh, also have a vital bearing on the Kashmir problem.

At the time of partition in 1947, the Hindu maharaja of the state was, for his own reasons, reluctant to accede to the Indian Union and the Hindus, accounting for a little over 20 per cent of the population of the state, were divided in their loyalty to the maharaja and to India. It was the Muslim leadership of the Kashmir region that favoured accession to India.

Why did the Kashmiri Muslims and their leaders defy the then prevailing pro-Pakistan wave among the Muslims in the rest of the subcontinent that had almost been polarised on communal lines? Why did disillusionment set in by 1953 when Indian secularism had registered a decisive triumph over communal forces? Why was Sheikh Abdullah, the hero of Kashmiri nationalism and chief architect of the state's accession to India, then dismissed from power and imprisoned? Why did he again sign an accord with India's Prime Minister Indira Gandhi, thus reconciling

to Kashmir being a part of India, and return to power in 1975, without losing much of his popular support? Why were secessionist and fundamentalist voices almost silent for the next twelve years or so? What brought about the near-total alienation of Kashmiri Muslims by 1990? Why did Kashmiri Hindus migrate practically en masse from the valley that was till then considered a model of communal harmony for the whole country? Why did non-Kashmiri Muslims, who had been the least enthusiastic about accession to India in 1947, remain, by and large, uninvolved in the ongoing secessionist insurgency in the Kashmir valley? How did thousands of youth of a community, always ridiculed for its 'docile' and 'cowardly' nature, take to arms and offer resistance to the might of the Indian state with a determination that has few parallels in the country? And how do we account for the fact that in spite of the militants' total dependence on Pakistan for the supply of arms and training as also officially acknowledged 'moral, political and diplomatic' support, the predominant battle cry in Kashmir was *azadi* (freedom) and not a merger with Pakistan? Why did the decline of militancy start after the turn of the century? What are the prospects of an agreement between India and Pakistan on the status of J&K? And would that finally solve the Kashmir problem?

These and other related questions may become less baffling if certain elementary facts of the situation are recognised and accepted. Kashmiri Muslims, for instance, are Kashmiris as well as Muslims. The apparent fluctuations in their mood represent their response to the varying forms of threat they perceive to their identity. They have been the most consistent in their urge to defend their identity, regardless of the source of the threat. The urge to become a martial community was also provoked by continuous taunts about their non-violent character.

Jammu is not an exclusively Hindu region. Before 1947, it had a Muslim majority and was the most populous region of the state. Even now Hindus are not always exclusively motivated by Hindu sentiments. Jammu's population, comprising 34 per cent Muslims, 6 per cent Sikhs and 18 per cent scheduled castes, caste Hindus, besides, also have regional aspirations that were sharpened after the transfer of power from a Jammu-based ruler to a Kashmir-based leadership. Again, the

population of Ladakh, pegged at 2,36,539 by the 2001 census, is almost evenly divided (52:48) between Buddhists and Muslims (mostly of the Shia sect), who, too, have a dual identity, i.e., religious as well as regional. It is an extremely complex interplay of religious and ethnic factors, inter-regional relations, and national, subcontinental and international developments that has impacted on and influenced the Kashmiri mind, which in turn is a product of the peculiar history, geography and culture of the valley.

A study of such bewildering complexity is indeed a daunting task. But if ignorance is compounded by prejudice, it further blurs the vision of the observer. To those who are used to viewing every political development in the state from an exclusively Hindu-Muslim angle, its wide ethnic spectrum would appear in black and white colours alone. Some writers on Kashmir have also been reluctant to face the more unpleasant aspects of reality. It is also considered unpatriotic to question the fairness of the elections in the state or comment on violations of human rights by the security forces. The Kashmir policy of the country is thus based on ignorance or only a partial knowledge of the facts and any debate on it generates more heat than light.

The present tract may have its own inadequacies. But it endeavours to present a faithful account of my observations on Jammu and Kashmir, a state which has been my field of activity and study since 1942. I have had the opportunity of being closely connected with practically every important development in this state and its dramatis personae as also with those who were concerned with the Kashmir policy at the national level. While I have not hesitated to express my own definite views on various events, I have made an earnest attempt to respect facts and other viewpoints.

Kashmir is much more than a dispute over real estate, a matter of national prestige, or a threat to Indian secularism. If the country continues to remain desensitised to the human tragedy that is Kashmir, with lakhs of persons becoming refugees in their own land, and to the mounting toll of precious human lives, then the very existence of India as a civilised entity will be gravely threatened. There is an urgent need for a better understanding of the problem and an uninhibited and informed debate over it. This tract is a passionate plea in that direction.

2

The Question of Accession

The circumstances and the manner in which the princely state of Jammu and Kashmir acceded to the Indian Union in October 1947 provide vital clues to our understanding of the vicissitudes of its later politics and its emotional, political and constitutional ties with the rest of the country. The Hindu maharaja of the state, who had the constitutional authority under the India Independence Act to decide its future affiliation when the country was partitioned into two dominions, was reluctant to opt for India. It was not any easier for the large Muslim population to take such a decision especially as the partition line was being drawn more or less along communal lines.¹ The year of independence had also witnessed a collapse of the citadels of the 'nationalist Muslims' in the subcontinent.

Jammu and Kashmir was one of those princely states which did not join the Constituent Assembly of India, set up under the Cabinet Mission Plan that had commenced functioning since December 1946. The maharaja of the state refused to yield despite a warning by Jawaharlal Nehru, then vice-president of the interim government, that such an act by any state would be considered a hostile act.² The unequivocal support of the Muslim League to 'the sovereign right of the princes'³ strengthened the recalcitrance of the maharaja in not joining the Constituent Assembly. On 17 June 1947, the Muslim League leader, Mohammad Ali Jinnah, declared:

THE QUESTION OF ACCESSION

Constitutionally and legally the Indian States will be independent and sovereign on the termination of paramountcy and they will be free to decide for themselves to adopt any course they like; it is open for them to join the Hindustan Constituent Assembly or the Pakistan Constituent Assembly or [to] decide to remain independent.⁴

More specifically, on 11 July 1947, Jinnah said that 'if Jammu and Kashmir opted for independence, Pakistan would welcome it and would sign friendly agreements with her for [the] common weal of both the peoples.'⁵ Liaquat A.H. Khan, the leader of the Muslim League in the interim government, had declared that 'the states were perfectly free to refuse to have anything to do with the Constituent Assembly.'⁶

HINDU RAJ VS SECULAR INDIA

The maharaja was in no mood to join the Indian dominion even when partition became inevitable. He was supported by loyal Hindu leaders in Jammu who vociferously argued that a Hindu State, as Jammu and Kashmir claimed to be, should not merge its identity with a secular India. The working committee of the All Jammu and Kashmir Rajya Hindu Sabha (the earliest incarnation of the present Bharatiya Janata Party in the state) formally adopted a resolution in May 1947 reiterating its faith in the Maharaja and extended its 'support to whatever he was doing or might do on the issue of accession.'⁷ In a press statement issued in May 1947, the acting president of the All Jammu and Kashmir Muslim Conference, Chowdhary Hamidullah Khan, also urged 'His Highness' to 'declare Kashmir independent immediately and establish a separate constituent assembly to frame the constitution of the State.' He assured Muslim co-operation and support to the maharaja as the first constitutional ruler of an independent and democratic Kashmir.⁸ He said, in a press conference, that 'Should the Pakistan government invade Kashmir, Muslims of the state will rise in arms against Pakistan and if necessity demands, they will seek Indian help.'⁹

All those who raised pro-India voices, including me, were condemned by Hindu chauvinists as anti-Hindu and traitors. The Jammu daily *Ranbir*, edited by Mulk Raj Saraf, was banned by the state government in June 1947 for demanding accession to India and

the release of Sheikh Abdullah. The All India Congress Committee had resolved on 15 June 1947 that the Congress could not admit the right of any state to declare its independence.¹⁰ During his visit to the state in July 1947, Lord Mountbatten had also tried to persuade the maharaja to accede to either of the two dominions before 15 August 1947. He instructed the British Resident in the state to continue to give the same advice to the maharaja. Quoting Mountbatten in his *Mission with Mountbatten*, Alan Campbell Johnson states that, 'the State's ministry, under Sardar Vallabhbhai Patel's direction, went out of its way to take no action which could be interpreted as forcing Kashmir's hand and to give assurance that accession to Pakistan would not be taken amiss by India.'¹⁰ Envisaging no trouble if the Maharaja acceded either way, Mountbatten said that the 'only trouble that could have been raised was by non-accession and this was unfortunately the very course followed by the Maharaja.'¹¹

As communal tensions spread within the Jammu region and the surrounding Punjab, the loyalty of the Hindus and Muslims began to gravitate to India and Pakistan respectively. On 19 July 1947, the working committee of the State Muslim Conference again drafted a resolution in favour of independence for the approval of the General Council of the party which met at Srinagar. The Council was sharply divided between followers of Chaudhary Ghulam Abbas and Ch. Hameed Ullah, leaders from Jammu region, on the one hand, and Mirwaiz Yusuf Shah of Kashmir on the other. Eventually they agreed on a modified resolution which 'respectfully and fervently appealed to the Maharaja Bahadur to declare internal autonomy of the State... and accede to the Dominion of Pakistan in the matters relating to defence, communications and external affairs.'¹² However, the General Council did not challenge the maharaja's right to take a decision on accession, and it acknowledged that his rights should be protected even after acceding to Pakistan. Jinnah's personal secretary Khurshid Ahmad, who was in Kashmir during those crucial days, assured 'His Highness' that 'Pakistan would not touch a hair of his head or take away an iota of his power.'¹³ The Hindu Sabha, in a bid to reconcile its loyalty to the maharaja with the groundswell of pro-India opinion amongst Hindus modified its stand on the question

of accession. Pandit Prem Nath Dogra, who later became the president of the Bharatiya Jana Sangh, moved what was called a compromise resolution in the party (between pro-RSS and non-RSS factions, of which the latter led by G.D. Mengi was pro-India), on the eve of Indian independence. It was left to the maharaja to 'decide the issue of accession to India at an appropriate time.'

On 15 August 1947, the Government of Pakistan accepted the offer of the Jammu and Kashmir State for a standstill agreement. Under this agreement the central departments of the State functioning within the Lahore circle were to be under the jurisdiction of Pakistan. Accordingly, Pakistani flags fluttered over the offices of the post and telegraph department throughout the state. The Government of India, however, insisted on prior negotiations with the J&K government, but the latter did not respond to the suggestion. Thus, no such agreement could be signed.

Prime Minister Nehru prophetically apprehended that 'Pakistan's strategy is to infiltrate now and to take some big action as soon as Kashmir is more or less isolated because of its coming winter.' In a letter to Home Minister Sardar Patel, he expressed the view that the only course open to the maharaja was to seek the cooperation of the National Conference (NC) and accede to India. This would make it difficult for Pakistan 'to invade it [the state] officially or unofficially without coming into conflict with the Indian Union.'¹⁴ If this advice had been heeded in time, there would have been no Kashmir problem today.

Meanwhile, communal tensions continued to grow in Jammu. There was serious trouble in the Muslim majority Poonch estate within the Jammu region. This began with some local demands like the rehabilitation of 60,000 demobilised soldiers of the British Army belonging to the area. As issues got mixed up, the agitation finally turned communal. The State Army was used to crush the local unrest, but 'the traditional loyalty of a large number of Muslim troops of the State forces towards the Maharaja could no longer be taken for granted under the changed circumstances.'¹⁵ The soldiers refused to fire on the demonstrators with whom they had religious and ethnic ties. They

deserted the army and the agitation took the form of an armed revolt. The supply of ammunition and other types of assistance from across the border gave further strength to the revolt. It also gathered support from local patriotic sentiments in Poonch which had been offended when the area was brought under direct control of the Jammu Division by the decision of the British courts in 1936. Until then it had been a separate *jagir* under the descendants of Dhian Singh, the brother of Gulab Singh, for about a century.

By October, communal riots had spread all over Jammu and Gandhi held the maharaja responsible for this.¹⁶ The State Army was also weakened by desertions and shortage of ammunition. It was also thinly spread from Gilgit to Jammu, to overcome the revolt in Poonch and the adjoining areas, since the revolt was actively supported by Pakistan. Regular supplies of foodstuffs, petrol and cloth from Pakistan were stopped. The communication system (under the administrative control of Pakistan vide the standstill agreement) did not render proper service. The situation was rapidly approaching a stage which would have affirmed Gandhi's prophecy of October 1946, that if the maharaja persisted in his policy, the state might disappear as a unit.¹⁷ Mountbatten and Nehru had also foreseen a similar situation if the maharaja did not accede to the Indian Union in time.

As the very existence of his dominion was increasingly threatened, the maharaja made desperate attempts to mend his fences with Pakistan. On 15 October, his newly-appointed prime minister, Mehar Chand Mahajan, offered to make an impartial enquiry¹⁸ into Pakistani allegations that the Kashmir State Army had attacked Muslim villages of Poonch. The Pakistan Governor General welcomed the offer of an enquiry on 20 October and invited Mehar Chand Mahajan to Karachi 'to discuss the matter.'¹⁹

The new prime minister reiterated that the Independence Act gave complete authority to the ruler on the issue of accession. He expressed his ambition to make Kashmir a Switzerland of the East, which would be on the 'friendliest of terms with both the dominions.' He expected 'as worthy a treatment from Pakistan as from a good neighbour.' He ridiculed the suggestion of Indian leaders to form a responsible

government in the state by retorting that there was no responsible government even in India.²⁰ In his view, the maharaja 'was all the time hoping that Kashmir could retain an independent status without acceding to either Dominion.'²¹ Meanwhile, the Pakistani government sent Major (later Colonel) A.S.B. Shah, then Joint Secretary of the Pakistan Ministry of Foreign Affairs, to Kashmir, where he met various officials including Prime Minister M.C. Mahajan. According to Mahajan, Shah had brought with him a blank Instrument of Accession to Pakistan, which he hoped the maharaja would fill and sign.²² On 21 October 1947, the maharaja appointed Bakshi Tek Chand, a retired judge of the Punjab High Court, to frame the constitution of the state. But, already, Pathan 'tribal invaders,' sponsored by the Pakistani Government, were marching to Srinagar. Thus all seemed set to prove that it was not an empty boast of Jinnah when he had reportedly declared that 'Kashmir is in my pocket.'

THE UNIQUENESS OF KASHMIR

One major factor that prevented this eventuality was the response of the people and leaders of the Kashmir valley to the question of accession. In order to understand how and why they behaved the way they did, it is necessary to understand the peculiarities of the Kashmiri personality, and the historical, cultural, political and geographical inputs that moulded it.

Kashmir valley is one of the three distinct regions of the state. Its population was less than that of Jammu, which also had a Muslim majority, before 1947. The Northern Region, consisting of Ladakh, Skardu, Gilgit and Baltistan, was many times greater in area than the Jammu and Kashmir regions combined, and is also overwhelming Muslim, alongside a significant Buddhist and tribal population. Kashmir is mostly inhabited by pre-Aryan and non-Aryan communities. Jammu is almost entirely Aryan while the northern region is inhabited by the Dardic-Tibetan races. The Line of Control (LoC) divides the Jammu region while leaving intact the Kashmiri-speaking region on the Indian side. Within the Northern Region, Ladakh is on the Indian side whereas Gilgit, Baltistan and Skardu are on the Pakistani side.

On the eve of the partition, Jammu was paralysed by communal riots and the people were largely polarised on communal lines, partly as an impact of communal developments in the neighbouring Punjab. The maharaja, who belonged to this region, was incapable of providing leadership to its people. The Northern Region was too sparsely populated to be of much political consequence. Thus, it was Kashmir, geographically compact and culturally homogenous, that stood out politically, with its people mobilised in mass struggle against the feudal system with the non-Kashmiri royal family belonging to Jammu at the top. Kashmiris—a people with a unique civilisation and five-thousand-year-old history—had found a charismatic leader in Sheikh Abdullah who led the National Conference, the banner under which the Kashmiris were fighting the monarchy.

Kashmir's history has been one of gradual accretion of cultural attributes over numerous waves of migration. The valley has been a melting pot of ideas and cultures. It received every new creed with discrimination and enriched it with its own contribution, without throwing away its earlier acquisitions. All the people who migrated to Kashmir from ancient times merged their individual identities into one whole. The proverbial beauty of Kashmir has further inspired a sense of collective pride in the Kashmiri mind about its uniqueness.

As G.M.D. Sufi observes in his monumental work, *Kashir*, 'the cult of Budha, the teachings of *vedanta*, the mysticism of Islam have one after another found a congenial home in Kashmir.'²³ Even the people who came from Arabia, Iran, Afghanistan and Turkestan more than six centuries ago were so mixed with Kashmiri Muslims in culture, civilisation, and through matrimonial relations, according to the renowned Kashmiri scholar and historian, Mohammad Din Fauq, that 'all non-Kashmiri traces are completely absent from their life.'²⁴

The Kashmiri language is another basis of the distinct personality of Kashmir. According to Sir George Grierson, a pioneering authority on Indian languages, Kashmiri is not of Sanskritic but of Dardic origin.²⁵ *The Encyclopaedia Britannica* states that 'Kashmiri is neither Iranian nor Indo-Aryan.'

Kashmir had a 250-year-long history of indigenous Muslim rule before Akbar annexed it to the Mughal empire in 1586. The next four centuries (361 years, to be exact) are regarded by the Kashmiris as a period of slavery when they were ruled in turn by the Mughal, Pathan, Sikh and Dogra kings. The common thread running through this long period was of rule by aliens, whether Muslim or non-Muslim.

Maharaja Hari Singh was both non-Muslim and non-Kashmiri. The struggle against his rule culminated in the 'Quit Kashmir' movement on the eve of Indian independence, and addressed the religious, regional and democratic urges of Kashmiris. The watershed in the history of Kashmir is, thus, not Islam, as is often regarded in the rest of the subcontinent, but the changeover from a Kashmiri to a non-Kashmiri rule.

Nehru had established his political and emotional links with Kashmir a decade earlier, describing himself as a son of Kashmir. On the eve of assuming office as head of the interim government of the country, in June 1946, he rushed to Kashmir to identify himself with the popular Quit Kashmir movement which Jinnah had condemned as a movement of '*goondas*.' Nehru was forcibly prevented by the police from entering the state and received some bruises in the process. He visited Kashmir again a month later when he donned a lawyer's robes to defend Abdullah who was on trial for charges of sedition. Meanwhile, the All India State's People's Conference, an ally of the Indian National Congress in the princely states, elected Abdullah as its president while he was still in jail.

Gandhi's visit to Kashmir on 1 August 1947 was another crucial factor that influenced the Kashmiris. He described the Amritsar Treaty that gave the maharaja the legal title to rule Kashmir as a sale deed that lapsed with the lapse of paramountcy. In sharp contrast to Jinnah's stand, he unequivocally declared that sovereignty belonged to the people and not to the ruler. He paid a unique tribute to the people of the valley by acknowledging that in those days of communal strife Kashmir was the only ray of light in the benighted subcontinent. The moral appeal of Gandhi combined with Nehru's emotional appeal was irresistible—both appealed to the sentiments of Kashmiri patriotism to neutralise the appeal of Muslim communalism.

AZADI

On 29 September Abdullah was released from prison. This delay was due to the maharaja's insistence on securing a pledge of loyalty from him. As a hero of Kashmiri nationalism, Abdullah side-tracked both the Hindu-Muslim and the India-Pakistan polarisation that was developing all around Kashmir by declaring that the issue of accession was secondary. The primary issue was freedom and the formation of a responsible government—for an enslaved race could not decide its fate. He acknowledged his ideological affinity with Gandhi and Nehru and recalled Jinnah's hostility to the struggle of the Kashmiri people. But as Pakistan had become a reality, he was willing to negotiate with the governments of both the countries to find out where Kashmir's interests would be secure.

Dr Mohammed Din Tasir and Sheikh Sadiq, the two Pakistani emissaries who met Abdullah in Srinagar, did not buy his argument. Abdullah has recorded in his autobiography, *Atash-i-Chinar*, that they insisted on a decision in favour of Pakistan. Otherwise, they observed, 'other means would have to be used.'²⁶ The meeting was far from cordial.

Abdullah next sent his colleagues, Bakshi Ghulam Mohammad and Ghulam Mohammad Sadiq, to talk to Pakistani leaders while he himself proceeded to Delhi where he stayed as Nehru's guest. According to Abdullah, Bakshi and Sadiq could see neither the prime minister nor the Governor General of Pakistan. But he regrets that while they were discussing his probable visit to Pakistan with second-rank leaders of that country like Nawab Mamdot and Mumtaz Daltana, 'raiders sponsored by Pakistan were crushing under their feet the land and rights of the people of Kashmir.'²⁷

The trust that Gandhi and Nehru expressed in the people and leadership of Kashmir and their unequivocal support to the Kashmiri urge for freedom and their right to self-determination had baffled the leaders of Pakistan. In desperation, they decided to settle the future of Kashmir by the power of the gun. The 'tribal raiders' that Pakistan had sent to Kashmir overran the defences of the Dogra army led by Brigadier Rajinder Singh, and reached the outskirts of Srinagar. En route they

committed many atrocities on the people, irrespective of their religion. 'At Muzaffarabad,' according to Mohammad Aslam Khan Khattak, who was the honorary secretary of the scheme, 'valuable time was wasted while two chiefs contested who would be Amir of Kashmir when it had been conquered.'²⁸ 'As a consequence of this needless violence and loot [in 1947],' M.P. Bhandara observes, 'Operation Gibraltar launched by Ayub government in 1965, too, was a failure.'²⁹

The tribal invasion roused the anger of a self-respecting Kashmiri community against the threat that Pakistan posed to its freedom, identity and honour. This course of events left the Kashmiri leadership and the maharaja no option but to turn to India. When the Governor General refused assistance, unless the state acceded to India, Mehar Chand Mahajan flew to Delhi on 26 October. He conveyed to Nehru the maharaja's willingness to accede to India. But this message was accompanied by a demand from Maharaja Hari Singh that 'the army must fly to Srinagar this evening, otherwise I will go and negotiate terms with Jinnah.'³⁰ That the maharaja had not closed the Pakistan option despite what it had done to the state enraged Nehru who, Mahajan records in his autobiography, gave vent to his temper and 'told me to get out.' However, Nehru's attitude softened after the intervention of Abdullah, who came in from the adjoining room. Thereafter, the maharaja signed the instrument of accession, which the Governor General accepted on 27 October. The Indian army was rushed to clear the state of invaders. The Kashmiris welcomed the army as the defenders of their 'honour, freedom and identity.'

The accession of the state of Jammu and Kashmir to India, supported by the constitutional authority of the maharaja and, politically and emotionally, by the people of Kashmir, was the greatest triumph of Indian nationalism after independence. It was Sheikh Abdullah who had led Kashmir's accession to India. But he could not have succeeded if the Kashmiri mind had not been what it was. Because of its inherent qualities, it responded to the emotional and ideological appeal of Nehru and the moral appeal of Gandhi. The ignorance and distrust shown by the Pakistani rulers, in sharp contrast to the empathy of the Indian leaders, pushed Kashmir to the Indian Union.

Pakistan had no justification for its policy. Neither the maharaja nor Sheikh Abdullah had provided any provocation. Both were eager to negotiate with the Pakistan government, but had delayed the decision on accession for their own reasons. Mehar Chand was prepared to fly down to negotiate terms with Jinnah even on the day the maharaja was seeking armed help from India. There are also indications that both the maharaja and Abdullah might have settled for independence had the Pakistan government guaranteed it. In fact, in his letter enclosing the instrument of accession to the Governor General of India, the Maharaja wondered 'whether it is not in the best interests of both the Dominions and my State to stay independent.'

Durga Das rightly observes in his introduction to *Sardar Patel's Correspondence* which he edited, that the maharaja and Sheikh Abdullah 'shared and worked in their own way for a similar objective, namely independent Kashmir.' If they acceded to India, he adds, 'it was because by invading Kashmir, Pakistan left them no other choice.'³¹ Sheikh Abdullah often told the present writer during the years of his alienation from India that had his relations with the maharaja not been so strained, both could have jointly worked for and achieved independent Kashmir.

The urge for *azadi*, which motivated the people of Kashmir to resist the Pakistani invasion and cooperate with the Indian army, subsumed a wide range of aspirations. It expressed their desire for independence, freedom, identity, autonomy and dignity. 'India has come to defend our *azadi* while Pakistan tried to enslave us' was the refrain of the Kashmiri leaders as they defended their decision to accede to India.

The basic urge of the Kashmiris has not changed much over the years they have been a part of India. The slogan of *azadi*, by the end of the eighties, no longer meant respect for and emotional attachment with the Indian nation but expressed a feeling of alienation. The militants trained and armed by Pakistan now assumed the leadership of the *azadi* movement.

3

The Years of Uncertainty

The accession of Jammu and Kashmir to the Indian Union, formally signed by the maharaja and supported by Sheikh Abdullah, the acknowledged leader of Kashmir, though constitutionally and politically valid, did not end the uncertainty over the final status of the state mainly for three reasons. First, the accession was subject to a reference to the people of the state. Second, the issue of the future of the state was internationalised as it was referred to the United Nations Security Council for a 'peaceful settlement.' Third, a war had to be waged to clear the state of invaders. In his letter to the maharaja, dated 27 October 1947, conveying his government's decision to accept the accession of the state to the dominion of India, Lord Mountbatten declared:

Consistent with their policy that, in the case of any State where the issue of accession has been the subject of dispute, the question of accession should be decided in accordance with the wishes of the people of the State, it is my government's wish that, as soon as law and order have been restored in Kashmir and its soil cleared of the invaders, the question of the State should be settled by a reference to the people.¹

Many considerations must have weighed with the Government of India in making this commitment. It was in continuation of the stand taken by the Congress from the pre-independence days that, 'sovereignty belonged to the people and not to the ruler.' In the case of Kashmir, insistence on this need for a referendum was the only way to overcome

the maharaja's reluctance to accede to India. It demonstrated the Government of India's trust in the people of Kashmir and exposed Pakistan's distrust of them. Further, this principle alone enabled India to annex two other states: Hyderabad, whose ruler had declared independence, and Junagarh, where the ruler had acceded to Pakistan.

Thus, apart from moral and idealistic considerations, the decision to subject the issue of accession to a referendum was the only way to get the accession of three vital princely states to India. Judging by the mood of the people of Kashmir at that time, India was confident of winning a plebiscite, whereas the Pakistani leaders who had recognised the sovereign rights of the princes were afraid of losing it. At a meeting of the Governors General of India and Pakistan on 1 November 1947 at Lahore, Mountbatten offered to resolve the issue of Kashmir by getting a verdict from the people. Replying to the Mountbatten formula, Jinnah stated that a plebiscite was 'redundant and undesirable.' Hodson reports that Jinnah 'objected that with Indian troops present and Sheikh Abdullah in power the people would be frightened to vote for Pakistan.'² Mountbatten's offer to hold a plebiscite under the auspices of the United Nations was also not acceptable to Jinnah who instead proposed that he and Mountbatten should have plenary power to control and supervise the plebiscite.³ The latter being a temporary figurehead of India could not represent the country. The talks thus broke down.

When bilateral efforts to resolve the dispute had failed, India took the issue to the United Nations Security Council. In a complaint lodged on 1 January 1948, India drew the attention of the Council to the threat to international peace and security 'owing to the aid which invaders, consisting of nationals of Pakistan and of tribesmen from the territory immediately adjoining Pakistan on the north-west, are drawing from Pakistan for operations against Jammu and Kashmir, a State which has acceded to the Dominion of India and is a part of India.' The Government of India requested the Security Council to 'call upon Pakistan to put an end immediately to the giving of such assistance, which is an aggression against India.' If Pakistan did not do so, the Government of India 'may be compelled, in self-defence, to enter Pakistan territory in order to take military action against the invaders.'⁴

It is intriguing that, instead of lodging its complaint under Chapter VII of the UN charter which deals with acts of aggression, India invoked Chapter VI under which parties to the dispute seek pacific settlement of disputes by 'negotiations, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.' In this chapter there is no provision for any action against the aggressor.

However, to show its earnestness, India not only reiterated its commitment to allow the people of Jammu and Kashmir their right to plebiscite but also offered to hold it under international auspices 'in order to ensure its complete impartiality.' This could only happen after the state had been cleared of the invaders.⁵

In its resolution of 13 August 1948, the United Nations Commission for India and Pakistan (UNCIP) appointed by the Security Council, proposed to determine the future status of Jammu and Kashmir 'in accordance with the will of the people.'⁶ Meanwhile, the presence of Pakistani troops in the territory of the state, which had been earlier denied, was established. The Commission recommended the withdrawal of Pakistani troops, tribesmen and other Pakistani nationals from the state. It was decided that the territory thus evacuated would be administered by the local authorities under the surveillance of the Commission. India was required to withdraw the bulk of its forces in stages, after a withdrawal by Pakistan.

India accepted the resolution of the Commission within a week after it was passed. Pakistan, however, raised a number of objections and evaded its acceptance till 20 December 1948. The acceptance thereafter must have been influenced by the heavy blows inflicted by the Indian army on Pakistani forces. The way was thus clear for a ceasefire which became operative on 1 January 1949.

Pakistan's delay in accepting the Commission's resolution gave much valuable time to the Indian armed forces to secure their major objectives. The valley was completely cleared of the raiders. Leh, Kargil and parts of Ladakh were won back. In Jammu, the town of Poonch was freed and control was established over the area between Poonch and Rajouri.

The spectacular success of the Indian army in the valley was primarily due to its flat topography, and the active cooperation of the people, including that of the organised cadre of the National Conference. It is doubtful whether the army would have achieved a similar success in the area across the ceasefire line: this region was hilly and inhabited by a martial Pathoari community, a section of which had started a revolt against the state authority.

The ceasefire line in the Kashmir region follows a well-defined ethnic and cultural divide between Kashmiri and non-Kashmiri people. In the Pakistan-held part of the state, the people cannot be culturally and linguistically identified as Kashmiris. So Azad Kashmir and Pakistan Occupied Kashmir (PoK), as it is called by the Pakistanis and Indians respectively, are both misnomers. If we bear in mind the fact that the major thrust of Indian policy was to build up sentiments of Kashmiri patriotism as the most viable bulwark against the appeal of Pakistan, the ceasefire line would seem to serve its purpose. It consolidated and crystallised Kashmiri identity, and put it in a dominant position in the state while protecting it from the influence or the challenge of a community that had close ethnic and cultural affinities with Punjabi Muslims and hence with Pakistan.

There is no authentic evidence, however, to indicate how far the strategic and political considerations discussed above weighed with the Government of India in its ready acceptance of the ceasefire line based on the existing situation on 1 January 1949. But India has rarely made a serious claim or effort to liberate the Pakistan-held part of the state. The National Conference leadership was not greatly enthusiastic about getting back an area which had always been hostile to it. In any case, the loss of the PoK territory was the price India had to pay for the maharaja's inordinate delay in settling the question of accession.

The resolution of 13 August 1948 was complemented by another on 5 January 1949. Through this resolution the UNCIP reconfirmed the legal status of the Government of Jammu and Kashmir. A plebiscite administrator was to be formally appointed by it and would derive powers for conducting the plebiscite from it.⁷

Another notable development in the protracted deliberations of the Security Council on Jammu and Kashmir was the report of the UN mediator Sir Owen Dixon. He, *inter alia*, observed:

When the frontier of the State of Jammu and Kashmir was crossed, on, I believe, 20 October 1947, by hostile elements, it was contrary to international law, and that when in May 1948, as I believe, units of regular Pakistan forces moved into the territory of the State, that too, was inconsistent with the international law.⁸

This was as near as any UN representative could come round to supporting the Indian demand to declare Pakistan the aggressor. The Security Council did not make a formal declaration to that effect because its members argued that India had sought UN intervention under Chapter VI of the charter for settlement of the dispute, and not under Chapter VII for evacuation of an aggressor.

However, the operative recommendations of Dixon caused some ripples in the internal politics of the state for it held that the state was not really a geographical, demographic or economic unit. In his report submitted to the Security Council on 19 September 1950, Dixon suggested 'some method of allocating the Kashmir Valley.' He recommended the partition of the rest of the areas between India and Pakistan on the basis of the known sentiments of their inhabitants, keeping in view the importance of geographical features in fixing international boundaries.⁹

The specific recognition of Kashmiri identity indicated a new opening for its expression. According to the former Director of the Intelligence Bureau, B.N. Mullik, the proposal had the tacit consent of Sheikh Abdullah.¹⁰ Another party which welcomed it was the Bharatiya Jana Sangh. Its leader, Balraj Madhok, declared, 'Dixon's proposals appeared to be eminently reasonable and practical.'¹¹ India did not reject the proposal of a regional plebiscite outright but the prime minister of Pakistan, Mohammad Ali, in his talks with his Indian counterpart, Nehru, on 20 August 1953, 'found fault in it.'¹²

The Security Council did not take any action on Dixon's report but it did encourage centrifugal tendencies within the Indian part of

the state. We need not follow the entire course of the Kashmir debate in the Security Council but an objective assessment of its deliberations would reveal that India was more enthusiastic than Pakistan about a plebiscite in the state till the early fifties. As late as March 1991, the former PoK president, Sardar Ibrahim, acknowledged at a seminar held in Islamabad that the Pakistan Government evaded and avoided holding a plebiscite in the state of Jammu and Kashmir in the early years.¹³ Alstair Lamb, who has used his scholarly talent to champion the case of Pakistan on Kashmir and to criticise that of India, explains Pakistan's 'less than enthusiasm' for plebiscite thus:

In the early years of the Kashmir problem when the memory of the horrors of the tribal invasion of October 1947 was still fresh in the minds of the local people, and the prestige of Sheikh Abdullah (who was still perceived as Jawaharlal Nehru's man), at the least among the inhabitants of the vale, at its height, thoughtful Pakistanis cannot have entirely conceived that the vote would in fact go in their favour. At this period, in 1948-49, a plebiscite on the terms being discussed would have involved a considerable gamble. Had Pakistan lost, then not only would Kashmir but also "Azad Kashmir" would have disappeared into Sheikh Abdullah's empire.¹⁴

However, after 1953, India and Pakistan started interchanging their position on the issue of plebiscite in Kashmir. A number of developments resulted in the rupture of the emotional bond between Kashmir and the rest of India which eventually led to the dismissal from power and indefinite detention of the hero of Kashmir and the kingpin of India's Kashmir policy, Sheikh Abdullah, on 9 August 1953. Later, the Indian government evaded the implementation of its commitments. India's Home Minister Pandit Govind Ballabh Pant, during his visit to Srinagar in 1957, declared that the state of Jammu and Kashmir was an integral part of India and that there could be no question of a plebiscite to determine its status afresh.

Many reasons are given for India's tougher stand in the Security Council. Reacting sharply to the US-Pakistan military pact of 1954, Prime Minister Nehru said, 'This produces a qualitative change in the existing situation and therefore it affects Indo-Pakistan relations and

more especially, Kashmir.' In a letter to the Pakistani prime minister he argued: 'It made all talks between the two countries about demilitarization absurd when the object was militarization of Pakistan.'¹⁵

Another development cast doubts on the bonafide intentions of Pakistan. It started negotiations with China on the demarcation of the border of the state of Jammu and Kashmir with that of Sinkiang (Xinjiang). It also ceded some territory to China over which India still claimed sovereignty—a claim accepted by the Security Council's resolution of August 1948.

However, there was also an unstated reason for avoiding its commitment to a plebiscite. The Government of India was no longer confident of winning it. As a precondition for further negotiation, India now demanded that Pakistan vacate the territories it had occupied in India—something that India should have done in January 1948 when it lodged its complaint with the Security Council.

All moral and political arguments, which India had used earlier to fortify its case, were gradually dropped.

In a report to the Security Council on 29 October 1957, the UN representative, Gunnar Jarring, reported a deadlock in Indo-Pak negotiations to implement the plebiscite resolution. He said:

I could not fail to take note of the concern expressed in connection with the changing political, economic, and strategic factors surrounding the whole of the Kashmir question, together with the changing pattern of power relations in West and South Asia. The Council will furthermore be aware of the fact that the implementation of international agreement of an ad-hoc character, which has not been achieved fairly speedily, may become progressively more difficult.¹⁶

By this time the Kashmir issue had become a part of the cold war. While the Anglo-American block was inclined towards Pakistan, the former Soviet Union backed India. On their historic visit to Kashmir in December 1955, Soviet leaders Khrushchev and Bulganin categorically declared: 'The question of Kashmir as one of the states of India has already been decided by the people of Kashmir.' In the Security Council, the Soviet Union vetoed all resolutions on Kashmir that suggested a

plebiscite on conditions not favourable to India. Soviet moral support allowed India to finally give up its commitment to plebiscite.

However, the secessionist movement continues to draw its legitimacy from the Government of India's original commitment to a plebiscite and the Security Council resolution relating to it. Moreover, prolonged uncertainty over the future of the state and the internationalisation of the issue has affected the Kashmiri psyche too deeply to enable the Kashmiris to develop lasting loyalties to India.

It was not just Sir Owen Dixon who wished to stimulate the Kashmiri urge for *azadi*. According to declassified documents of the USA regarding the political developments in Kashmir, the American ambassador in India, Loy Henderson, sent similar feelers to Sheikh Abdullah. Henderson records that Abdullah favoured the idea of an independent Kashmir, but if this was an impossible choice, then he preferred accession to India rather than Pakistan.¹⁷

In May 1953, when relations between Abdullah and New Delhi were strained, the American statesman, Adlai Stevenson, who met Abdullah in Kashmir, reportedly got from him a more categorical support for an independent Kashmir. In an interview to *The Manchester Guardian*, Stevenson said: 'The best status for Kashmir could be independence both from India and Pakistan.'¹⁸ His initiative was followed by the US Secretary of State Dulles, who visited India and Pakistan to canvass support for the same idea.

Earlier, the Soviet Union and the Communist Party of India (CPI) had encouraged Abdullah and Kashmiri nationalism towards autonomy and independence. During the Stalin era, when relations between the Soviet Union and the Indian state were not cordial, and it was official communist policy to encourage 'nationality struggles' in India, there were many references in Soviet and CPI literature to the right of self-determination of each nationality of the state and to the demand for independent Kashmir. The CPI, which in those days faithfully followed the Soviet line, observed in its official organ: 'The idea of independent Kashmir reflected the innermost desire of the Kashmiri people.'¹⁹ When I shared my impressions with P. Sundarayya, the leader of the Communist Parliamentary Party, in the beginning of 1953, that America

might be encouraging Abdullah towards independence, he asserted, 'Comrade, you are misinformed, Abdullah is playing our game.' He conceded that Abdullah was basically a Kashmiri chauvinist but his resistance to Indian domination, which was tied to the Anglo-American block, imbued his role with a progressive character.

Thus, both the United States and Soviet policy (followed also by the CPI) gave a new stimulus and direction to Kashmir's urge for *azadi*. From 1950 to early 1953, both seem to have been working in the same direction. In 1953, however, the CPI changed its theoretical stand. Instead of the right of self-determination of nationalities, it now talked of the indissolubility of the Indian state. For by this time, Stevenson and Dulles had revealed the American game plan in Kashmir and the post-Stalin Soviet leadership had taken an initiative to befriend the Indian rulers.

Indian nationalism had lost much of its moral élan and had developed tendencies towards uniformity and centralisation. Kashmiri nationalism, on the other hand, acquired a fresh sense of importance as the option to decide Kashmir's final affiliations remained open for a long period and the superpowers courted it, one after the other. The task of reconciling the two became increasingly difficult, especially in view of the other developments which are discussed in the next chapter.

The Clash of Identities

The state of Jammu and Kashmir acceded to the Indian dominion on exactly the same terms of the Instrument of Accession as were applicable to the other princely states ruled by 140 members of the Chamber of Princes. This instrument was defined earlier in Section 6 of the Government of India Act, 1935, while the Indian Independence Act of 1947 provided that the Governor General could adopt it under the Indian Provisional Constitution Order, 1947. The Instrument limited the accession of the states to the Indian dominion to three subjects—defence, external affairs and communications—thus conceding a residual sovereignty to the states. The Instrument signed by Maharaja Hari Singh on 26 October 1947 included the following provisions:

The terms of this Instrument of Accession shall not be varied by an amendment of the Act (Government of India Act, 1935) or of the Indian Independence Act, 1947 unless such amendment is accepted by me by an Instrument supplementary to this Instrument. Nothing in this Instrument shall be deemed to commit me in any way to acceptance of any future constitution of India or to fetter my decision to enter into arrangement with the Government of India under any such future constitution.

Nothing in this Instrument affects the continuance of my sovereignty in and over the State, or, save as provided by or under this Instrument, the exercise of any powers, authority and rights now enjoyed by me as Ruler of this State or the validity of any law at present in this State.¹

Despite the accession, the state's relationship with the Dominion of India remained unstable, particularly in the early stages. Threatening to withdraw the accession, the maharaja wrote to Sardar Patel on 31 January 1948 that he had acceded to the Indian Union 'with the idea that the Union will not let us down and the State will remain acceded to the Union and that my position and that of my dynasty would remain secure.' Expressing apprehensions about the result of the plebiscite and his dynasty's interests within India, he felt that even at that stage, 'it might have been possible to have better terms from Pakistan.'² In reaction to the maharaja's letter, Nehru wrote to Patel on 9 February 1948 that 'certainly the idea of cancellation of accession is completely wrong. That will only lead to trouble for him and for us.'³

Significantly, the prime minister did not comment on the maharaja's legal right to cancel accession. The incident, however, highlighted the fact that the fluid situation in the state due to the presence of Pakistani forces, India's commitment to plebiscite, and, later, interminable debates in the Security Council and the manipulations of the big powers, could tempt not only a Hindu maharaja but also his Muslim subjects to keep their options open on the issue of accession.

Meanwhile, the lack of a common ground between the Government of India and the National Conference (NC) leaders began to surface for other reasons as well. From the very beginning, the NC leaders were apt to treat the terms of the Instrument of Accession literally. They, like the maharaja, innocently believed that its terms were sacrosanct and would always continue to have the same meaning. The Indian government, however, on the basis of its experience with the other states, tended to regard the Instrument as a *provisional formality* with the expectation that Jammu and Kashmir, too, would eventually follow the uniform pattern.

Sir N. Gopalaswamy Ayyangar, a member of the Drafting Committee, told the Constituent Assembly on 6 October 1949 that 'in case of practically all states other than the State of Jammu and Kashmir, their constitutions also have been embodied in the constitution for the whole of India.' And he represented the mood of the House when he observed, amidst cheers:

It is the hope of everybody here that in due course even Jammu and Kashmir will become ripe for the same sort of integration as has taken place in case of other states.⁴

ARTICLE 370

Meanwhile, the annexation of Hyderabad through 'police action,' and Junagarh through a plebiscite, had taken place. Any special consideration for the aspirations of the people of Kashmir, therefore lost its pragmatic compulsion. Pressure had also started mounting on the state government to cede more powers to the Centre. At a meeting of the representatives of the state government and the Government of India held in May 1949, it was agreed that the Constituent Assembly of the state would decide upon the transfer of powers to the Government of India. Accordingly, a 'transitional and provisional' Article 370 was incorporated in the Indian Constitution with the idea that, to quote Ayyangar:

When the Constituent Assembly of the State has met and taken its decision on the constitution of the State and the range of federal jurisdiction over the State, the President may, on the recommendation of that Constituent Assembly, issue an order that Article 370 shall either cease to be operative or shall be operative only subject to such exceptions and modifications as may be specified by him.⁵

The special constitutional status of Jammu and Kashmir was, thus, not granted by the Government of India, but was sanctioned by the relevant provisions of the Government of India Act of 1935, the India Independence Act of 1947, the India (Provisional Constitution) Order of 1947 and the Instrument of Accession. Neither the maharaja nor those who inherited power from him were prepared to surrender that status. Speaking in the Constituent Assembly of the state, Abdullah explained: 'While other Princes agreed to the application of the Indian Constitution to their States, the Maharaja (of Jammu & Kashmir) declined to do so.' The state, he claimed, had a political justification for it. In fact, he held that what was good for his state, should be good for all the states, for 'the federation formed voluntarily would be a stable one.'⁶ But the fact that Abdullah had the added responsibility

of winning a plebiscite in Kashmir against the religious appeal of Pakistan must have been an additional compulsion for him. In a letter to Abdullah on 18 May 1949, Nehru confirmed: 'It has been the settled policy of the Government of India which on many occasions has been stated both by Sardar Patel and by me that the constitution of Jammu and Kashmir State is a matter for determination by the people of the State represented in the Constituent Assembly convened for the purpose.'⁷

The Constituent Assembly of India or its successor parliament had no constitutional right to abrogate or modify Article 370. This right belonged solely to the Constituent Assembly of the state. Even the law minister of the BJP-led NDA government, Ram Jethmalani, conceded that the parliament had no right to abrogate Article 370—a long-standing demand of the BJP and, its predecessor, the Bhartiya Jana Sangh.

Some jurists like A.G. Noorani have argued that even the state assembly had no such right and that modifications brought in the article after the State Constituent Assembly was dissolved are to be considered null and void. He quotes President Rajendra Prasad's note to Prime Minister Nehru on 18 May 1949 in support of his contention. According to Dr Prasad, the president could take recourse to Article 370 to determine Centre-State relations once for all, but only after the state constitution had been fully framed. But he questioned 'the competence of the President to have repeated recourse to the extraordinary powers conferred on him by Article 370.'⁸

Article 370 limits the parliament's power to make laws for Jammu and Kashmir in 'those matters in the Union List and Concurrent List which are declared by the President to correspond to matters specified in the Instrument of Accession and such other matters in the said Lists as, with the concurrence of the Government of the state, the President may by order specify.'⁹ In his bid to define Centre-State relations once and for all, Abdullah suggested that the reference to the 'Government of the State' in Article 370 should only mean the council of ministers appointed by the maharaja for the first time, i.e., on 5 March 1948. Ayyangar, on the other hand, was in favour of including the subsequent

governments as well, so that the new central legislation could continue to be applied to the state with the consultation and concurrence, as the case may be, of all the state governments to come. Though Abdullah threatened to resign from the Constituent Assembly of India on this issue, the Government of India refused to yield. In a letter to Nehru Ayyangar wrote, 'Sheikh Abdullah has not reconciled himself to this change but we cannot accommodate him.'¹⁰

The Government of India continued to persuade and pressurise the state government to accept more provisions of the Indian constitution, and, in July 1952, after hard bargaining by both sides, Nehru and Abdullah entered into what became known as the Delhi Agreement on Centre-State constitutional relations. It was decided that under the agreement, the 'Union flag will occupy the supremely distinctive place in the State (which had its own flag also).' The fundamental rights of the Indian constitution would apply to the state and the jurisdiction of the Supreme Court would be extended to the state in regard to the fundamental rights as well as in respect to disputes between states and between the state and the Centre.¹¹

DISCONTENT IN JAMMU

Meanwhile a volcano of discontent was simmering in Jammu, further complicating the precarious Centre-State relations. Before Independence Jammu had been larger in area and population than Kashmir, besides being the centre of power. The ceasefire line cut the region into the Indian and Pakistani held parts, but it still continued to be larger in area, though slightly less in population, than the valley.

Accession of the state to India and the dawn of democracy for the people of Jammu as such meant transfer of power from a Jammu-based ruler to a Kashmir-based leadership. The latter, inspired by a philosophy of Kashmiri nationalism—whose strong anti-feudal content, in the given circumstances, was naturally directed against the Jammu-based Dogra ruling family, nobles and landlords—was incapable of extending its influence to Jammu or understanding the mind of its people, whether Hindu or Muslim. The Kashmiri leaders were not only ignorant of the politics and personalities of the region but also prejudiced against its

basic aspirations. In this region, therefore, the Kashmiri leadership had neither much popular support nor organisational strength. In fact, after the NC came to power, its committees in Jammu and their office bearers were repeatedly changed and made defunct by the Kashmiri leaders who did not trust even the persons they had nominated.

The termination of the monarchy and the transfer of land to the tiller without compensation had seriously harmed the interests of the largely Jammu-based feudal lords who dominated the politics of the Jammu region. Moreover, the status reversal also affected the psychology of the common people there, despite their concrete gains from the anti-feudal measures. Loose talk by some Kashmiri leaders of the NC in terms of a reversal of, what they called, the century-old 'Dogra Raj' over Kashmir, hurt the sentiments of the people of Jammu. The latter's sense of deprivation was also evident from the fact that in 1952, out of a cabinet of five, Jammu had only one representative (whatever be his representative character) even though the population of the valley was only slightly more than that of Jammu. All the important office bearers of the ruling party—president, vice-president, general secretary and treasurer—also belonged to the valley.

Apart from being thus deprived of a sense of participation in the new system and humiliated by the new rulers, the Hindu majority of Jammu was further uncertain of its fate in the event of the Muslim majority of the state voting against India in a plebiscite to which India was categorically committed. These fears bred the ideas of division of the state and zonal plebiscite in the minds of a section of its population. Provoked by such demands—for instance, of the Praja Parishad, the Jammu counterpart of the Bhartiya Jana Sangh—Abdullah remarked, 'It was an insult to the principles for which Mahatma Gandhi laid down his life and had made our fight against Pakistan futile.'¹²

The Parishad modified its stand into an apparently nationalistic demand of abrogation of Article 370. It provoked an angry reaction in Kashmir. Abdullah called the demand 'unrealistic, childish and insane.' In his oft-quoted speech at Ranbir Singh Pura in Jammu on 10 April 1952, he said:

We have acceded to India in regard to defence, foreign affairs and communications in order to ensure a sort of internal autonomy... If our right to shape our destiny is challenged and if there is resurgence of communalism in India, how are we to convince the Muslims of Kashmir that India does not intend to swallow us?¹³

REGIONAL AUTONOMY

As a political activist of Jammu, I had personally campaigned for some political and constitutional arrangements for an equitable sharing of political power by the three regions of the state. In my meeting with Nehru on the eve of the finalisation of the Delhi Agreement, I argued the case for regional autonomy on the same basis on which the Kashmiri leaders were demanding autonomy for the state. Nehru fully agreed to this, and, while releasing the text of the Delhi Agreement on 24 July 1952, said at a press conference that 'the State Government was considering regional autonomies within the larger state.'¹⁴ This was said in the presence of Abdullah, who endorsed the commitment.

This would have been an ideal way of reconciling the aspirations of the three regions. But the Jana Sangh and the Hindu Mahasabha rejected the Delhi Agreement and its corollary of regional autonomy. They launched an agitation, in which they were joined by the Hindu Maha Sabha and the Ram Rajya Parishad, for what they called 'full accession of the state to India.'

For the same agitation in Jammu, the Praja Parishad was able to mobilise a broad coalition of hurt regional pride as well as communal and integrationist sentiments of the followers of the dethroned maharaja and the dispossessed landlords. But the Sangh-Parishad agitation marked the beginning of the end of Kashmir's emotional relations with the rest of India. It threatened the autonomy and identity of Kashmir—so dear to the Kashmiri heart, and the cause for which that they had fought against their co-religionists from Pakistan and accepted the entry of the Indian army. Moreover, the agitation even made the issue of accession controversial by projecting the degree of centralisation of power as a measure of patriotism. In fact, accession, like marriage, cannot

have degrees and, as Nehru observed, 'the accession of the State was complete when it first acceded in 1947.'¹⁵ Special constitutional provisions did not make its accession conditional, he said. Giving a similar explanation, the then Home Minister G.L. Nanda told the Lok Sabha in 1964 that the accession of Jammu and Kashmir was as complete as that of other princely states in the heart of India.¹⁶

According to the former Director of the Intelligence Bureau B.N. Mullik, the agitation 'shocked Nehru who for the first time started feeling doubtful about the future of Kashmir.'¹⁷ In his letter to the Sangh president, Dr Shyama Prasad Mukherjee, on 5 February 1953, Nehru opined that he did not have 'a shadow of doubt that the communal agitation of the Parishad, supported by communal and narrow-minded elements in India would bring disaster in its train, not only for Jammu and Kashmir but also to the larger interests of India.'¹⁸ In a sudden and dramatic climbdown, Mukherjee offered, in his letter to the prime minister on 17 February 1953, his support for the unity of the state, Article 370 and other terms of the Delhi Agreement, including regional autonomy.¹⁹ The unfortunate death of the Jana Sangh leader in Srinagar jail at this point once again raised tempers. Subsequently, the Jana Sangh and the Praja Parishad went back on the commitments of Mukherjee. Describing the aftermath of Mukherjee's death, Nehru wrote to Jayaprakash Narayan, 'A frequent slogan in the Hindu Maha Sabha and Jan Sangh meetings has been "*Abdullah Ko Phansi Do*" [Hang Abdullah]. Also "*Dr Mukherjee ke kaun katil—Nehru ya Abdullah. Khoon ka badla khoon se lo.*" [Who are the murderers of Dr Mukherjee—Nehru or Abdullah? Blood to be avenged by blood].' Nehru added, 'Thus Sheikh Abdullah and the Kashmir government have been put in the dock as murderers... That is how it appears to a large number of people in Kashmir.' Nehru further wrote: 'This weakened our position terribly and for the first time, I feel very doubtful about the future.'²⁰ This provided enough provocation to Abdullah and the people in the valley to think of alternatives other than remaining a part of India.

Mullik takes the credit for persuading the Praja Parishad to withdraw the agitation 'in view of the harm it was doing to the national

interest,²¹ but the damage it had done was irreversible. Addressing a National Conference rally on 25 July 1953, Abdullah said:

The confidence created by the National Conference in the people here [regarding accession to India] has been shaken by the Jana Sangh and other communal organisations in India.²²

In some of his angry moments, Abdullah equivocated on the issue of accession, which created doubts about his bonafides. He also rejected the offer of the Government of India, conveyed by Maulana Abul Kalam Azad in his letter of 9 July 1953, to the effect that the special status of 'Kashmir will be made permanent.' Abdullah argued then that 'the declaration would not suffice to dispel the fears that had arisen in the minds of the people of Kashmir.'²³

In this atmosphere of mutual distrust, several other factors—including manipulations by the big powers, USA and the Soviet Union—contributed to precipitate a crisis that led to Abdullah's indefinite detention after his dismissal from power on 9 August 1953, on the charge that he had lost the confidence of the majority of the members of the cabinet appointed by him. It was a patently illegal and unconstitutional order. But it could not be challenged in the Supreme Court as it had no jurisdiction in the state. This, in turn, further alienated the people of Kashmir. Nehru's dream of making Kashmir a willing part of India and a source of strength to its secular basis was now finally shattered. India's moral image abroad nosedived. The following decade-long reign of repression and corruption only aggravated the problem.

BONDS RUPTURED AND RE-ESTABLISHED

An important feature of this phase of alienation of Kashmir was that it retained its ideological umbilical link with the rest of the country. The Plebiscite Front led by Abdullah continued to swear by secularism and broad Gandhian values. Indian liberals—including socialists and Gandhians like Jayaprakash Narayan, Rajaji and Vinoba Bhave—were still sympathetic to the basic aspirations of the people of Kashmir. Even Nehru was keen to retrieve the situation.

Working in close cooperation with these forces, I had a series of meetings with the jailed Abdullah in Jammu and the prime minister in New Delhi. A basis was thus created for his release on 6 April 1964, and a dialogue arranged between him and Nehru. Abdullah signed a statement drafted by me in which he declared his leading role in the state's accession to India and his commitment to whatever he had said and done before his arrest. In effect, he disowned his responsibility for what happened afterwards.²⁴ In what was his last press conference at Bombay, Nehru welcomed the statement and said that 'before his [Abdullah's] arrest, accession of Kashmir to India had been more or less completed.'²⁵

Nehru invited Abdullah to Delhi for talks and the latter stayed there as his personal guest. After the two leaders arrived at the broad basis of an agreement, Nehru was keen to explore the possibility of a settlement with Pakistan, and it was at his suggestion that Abdullah went there. But, alas, Nehru died on 27 May 1964 before Abdullah could return from the mission.

All hopes raised by the bold initiative of Nehru and the warm response of Abdullah were dashed to the ground as the successor government in New Delhi considered constitutional integration of the state more important than its emotional integration with the rest of India. In a desperate bid to make this a *fait accompli*, a series of constitutional amendments were rushed through by December 1964 in the teeth of popular opposition. The reckless measures to erode autonomy of the state taken by the post Nehru government of the Congress party were fully supported by the Bhartiya Jana Sangh and the Communist Party of India. The latter had, after the US-Pak armed pact become the most nationalistic party and a leftist Chief Minister of the state G M Sadiq facilitated the process of integration.

With the concurrence of a pliable state assembly, Articles 356 and 357 of the Indian constitution were made applicable to the state. This meant that the Centre could now choose to take over power from the state government and exercise the legislative powers of the state assembly after dissolving it. Moreover, the state assembly was no longer allowed to elect the Head of State who was now to be nominated by the Centre.

Even the nomenclature of the Head of State and the head of the government was changed to conform to the uniform pattern in the country. The ruling National Conference was converted into a provincial committee of the Congress.

The people of the valley reacted with unprecedented anger against this assault on their identity and autonomy. Protest rallies were held in the valley as well as in the Pakistan-held part of the state. In response to a call for a social boycott of Muslim Congressmen by Abdullah, people declined to attend their marriages, religious functions and funerals. Unlike in 1953, this time the expression of the people's discontent was no longer restricted to non-violent forms and was also occasionally indisciplined and communal.

Meanwhile, on 5 February 1965, Sheikh Abdullah, along with Begum Abdullah and Mohammad Afzal Beg, left for a tour of Europe and West Asia, including a pilgrimage to Mecca. However, the Government of India took offence at his meeting with the Chinese Prime Minister Chou En-Lai at Algiers where they both happened to be on a visit at the same time. The Indian government threatened to cancel his passport if he did not return immediately. He and Beg were arrested as soon as they landed in Delhi on 8 May 1965, giving rise to angry protests in the valley.

The Indian state tried to smash the protests with brute force and resorted to large-scale arrests of the Plebiscite Front activists. It was this particularly sensitive situation that tempted Pakistan to send armed infiltrators in August 1965 to 'liberate' the Kashmiris from India. But, notwithstanding their resentment against India, the enigmatic Kashmiris were even less enthusiastic to accept the invaders as their new masters and so withheld their cooperation. In these circumstances, it was not very difficult for the Indian forces to spot the foreign raiders from the indifferent Kashmiri population and round them up. After the Pakistani forces crossed the International Border at Chhamb on 3 September, as distinct from violating the ceasefire line that they had been doing so far, India opened a second front on the international border on 5 September in Punjab, and forced Pakistan to accept a ceasefire on 23 September and withdraw its forces from Kashmir.

The Western press, which was highly critical of the integrationist measures of the Indian government, was equally critical of Pakistan's attempt to settle the issue by force. The foreign media that covered the Kashmir front exposed the hollowness of Pakistan's claim that there was a popular revolt against Indian rule. John Freeman, the High Commissioner for the UK in India, who had initially taken a pro-Pakistan stand, observed, 'the world is deeply impressed by the behaviour of Kashmiri people with infiltrators.'²⁶

This failed attempt of Pakistan to annex Kashmir had the unintended consequence of removing any sense of guilt that might yet have assailed the Indian conscience represented by statesmen like Jayaprakash Narayan and Rajaji. However, while they refused henceforth to treat an aggressor as a party to the dispute, they (Jayaprakash Narayan, in particular) launched a fresh campaign for a dialogue with the Kashmiri leaders for a satisfactory status of the state within India. Besides eminent public personalities, 163 MPs demanded the release of Abdullah and a dialogue with him. But there was no concrete response by the Kashmiri leaders to the various proposals that were mooted during this period till the emergence of Bangladesh.

During the Bangladesh war, I told Abdullah that it offered him one more opportunity to get the best terms from India, as the latter was in dire need of Muslim support and he was the most important Muslim leader in the subcontinent. I advised him to offer his support to India's Bangladesh policy, provided India applied the same democratic principles to Kashmir for which it claimed to be fighting in Bangladesh. I warned him that he would lose his bargaining capacity after Bangladesh was severed from Pakistan. And, in case India failed to achieve this, it would establish the principle of 'might is right,' which India would then openly apply to Kashmir. Abdullah agreed and asked me to draft a statement accordingly, but later changed his mind.

As expected, Bangladesh came into existence—an outcome that, on the one hand, undermined the bargaining capacity of Kashmiri leaders, and, on the other, restored the faith of the Kashmiri people in a culture-based identity as opposed to an exclusively religion-based one.

I approached Prime Minister Indira Gandhi with a proposal that Abdullah's right to demand autonomy within India should be conceded, which need not mean actually conceding autonomy, and that, as was the case with the regional parties in Tamil Nadu, differences on this issue should not come in the way of Abdullah's coming to power. She was quick to accept the proposal but Abdullah did so after long arguments that extended over two months. Meanwhile, after the elections of March 1972, Syed Mir Qasim had become the chief minister, and thus Abdullah missed another bus.

Eventually, my formula became the basis of what was called the Kashmir Accord, signed on 13 November 1974 by Abdullah's representative, Mohammad Afzal Beg, and the Indian government representative, G. Parthasarthy, but without the fig leaf of face-saving that I had tried to provide him.

The new accord accepted the state of Jammu and Kashmir as a part of the Union of India, which was to continue to be governed by Article 370 of the Indian constitution and have residuary powers of legislation. The Indian government agreed to 'sympathetically consider amendment or repeal of some category of central laws extended to the State after 1953 as the state legislature decides.'²⁷

THE ELUSIVE SOLUTION

The terms of the Kashmir Accord disappointed many in Kashmir, particularly its youth, for it offered far less autonomy to the state than it enjoyed in 1953. That Abdullah was elected as chief minister by the Congress assembly party, and made to share power with the party that had long symbolised the Centre's domination over the state, was perceived as an affront by many Kashmiris. However, the majority accepted the accord as the only pragmatic course left open to them following the post-1971 changes in the balance of power in the subcontinent.

The majority of Kashmiris decided to find solace in the hope that a towering personality like Abdullah at the helm would protect their identity, and gave him a rousing welcome on his return to the valley—after being sworn in as chief minister at the winter capital of Jammu.

He maintained a firm grip over the Kashmiri mind, notwithstanding the many lapses of his government. Most importantly, his apparent defiance of the Centre on some issues helped to satisfy the Kashmiri ego.

For almost a decade thereafter, communal and secessionist forces were marginalised. The revived National Conference won sweeping victories in the assembly elections of 1977 and 1983—widely recognised as the fairest in Kashmir—which further legitimised the Kashmir Accord for it clearly established that loyalty to India did not mean loyalty to the government of India and the ruling party at the Centre. The Kashmir problem appeared resolved and, for the first time, it was no longer on the international agenda of disputes. However, the issue was kept alive by those Indian commentators who, as far as Kashmir was concerned, regarded anti-Centre noises as a call for secession. The Indira-Abdullah Accord was evaluated not in terms of a decline in secessionist sentiment, but by the degree of the Centre's control over the state and the Congress-National Conference cordiality. If double standards had not been used, Tamil Nadu and West Bengal perhaps would have been regarded as problem states of a far graver nature, for the non-Congress governments of these states were more defiant of the Centre even during the Emergency.

REVIVING THE PROBLEM

It required an extraordinary genius to recreate the Kashmir problem. Those who decided to dismiss the government of Farooq Abdullah on 2 July 1984—though his party, the National Conference, had won 47 seats in the assembly of 76 members—succeeded in sowing afresh the seeds of the Kashmir problem. In many respects, it was a severe blow to the dignity and identity of Kashmiris. Abdullah's dismissal in 1953 had signalled that even if the Kashmiri people did not wish to remain within India, they would not be allowed to secede. The dismissal of Farooq conveyed a more sinister message—that even if the people wished to remain within India, they would not be free to choose their own government.

The 63-page defence by Jagmohan,²⁸ the governor of the state at that time, of his action of dismissal of the Farooq Government does not hide the fact that the operation was planned and engineered by New Delhi. G.M. Shah, Farooq's brother-in-law, could not have made his claim to chief ministership without the encouragement of the Government. Twelve members of the assembly would not have dared to defy the Government of the National Conference unless they were assured of ministerial power superior to the chief minister, or if the strength of the Government groups had been tested on the floor of the assembly and not in the streets of Bhawan. It is also a matter of public knowledge that the Government of the governor, B.K. Nehru, was transferred to Gujarat and replaced by Jagmohan because he had declined to play his part in toppling the Farooq government. He had not only questioned the constitutional propriety of the move, but also warned against its political consequences.

We need not linger over the formal modalities and the sordid details of the toppling game. What is important is to take note of the factors that motivated such a move and its consequences. One of the main reasons against Farooq was that he was 'hobnobbing' with the opposition and had hosted an opposition conclave in Srinagar. The charge was that the Kashmiris were less-than-full Indian citizens, with no right to accept or reject political parties.

Doubts about Farooq's patriotism were soon removed by the Government's certificate of patriotism issued to him the moment he broke his ties with the opposition and forged one with the Congress. He was allowed to return to office in November 1986 when he agreed to share power with the Congress.

What was the legacy of the Shah government? It imposed a curfew in Kashmir the longest-ever spells of curfew and was, therefore, known as 'curfew sarkar.' In its first 90 days, Kashmir remained under curfew for 72 days. It revived and sought support from Muslim fundamentalists in Kashmir and Hindu fundamentalists in Jammu. Kashmir lost its image, when for the first time communal incidents took place in the temples and houses of many Kashmiri Pandits were damaged in the Anantnag district in February 1986.

My team, including Maulana Abdul Rahman, Bachan Singh and myself, visited the affected areas. We found that the spirit of brotherhood and human brotherhood was not dead. Large gatherings, led by the Pandits, listened to our admonitions with respect. We got contributions from the Muslims for reconstruction of the damaged temples as an act of atonement. At Luk Bhawani, a sum of Rs. 10,000 was collected on the spot in response to my appeal. I was surprised to find that the Kashmiri Pandit leaders that they had withdrawn the call for a transformation of the Muslim mind after our appeal. This transformation further confirmed the general impression that the communal incidents were not spontaneous but were the result of a planned campaign of rumours and other means. While accusing fingers were raised against some members of the Government, we found no evidence of the involvement of the Jamaat-i-Islami.

Farooq was dismissed as arbitrarily as he was appointed. Governor's rule brought some relief for a while from the oppressive, corrupt and inefficient Shah regime. But Jagmohan, notwithstanding his personal qualities and efficiency, could never be a substitute for a democratically elected government. In any case, a non-Kashmiri nominee of the Government could not aspire to be a popular leader of the Kashmiris. Jagmohan had to live down the image he had created of himself as a leader of the Muslims as lieutenant governor of Delhi during the 1980s and as the governor of Kashmir who had propped up the Farooq government.

Farooq's lack of empathy with the Kashmiri identity was perhaps his major handicap. In one of my many cordial meetings with him at Luk Bhawani in Srinagar, he observed that as long as the Kashmiri identity was exploited, Pakistan and America would continue to exploit it. I added, on the other hand, that if India did not recognise and satisfy the demand for an identity, the Kashmiri people would look to Pakistan for support. In any case, I added, if he succeeded in creating a Kashmiri identity, it would be replaced by a Muslim identity and would be even less manageable.

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We need not linger over the formal modalities and the sordid details of the toppling game. What is important is to take note of the reasons that motivated such a move and its consequences. One of the charges against Farooq was that he was 'hobnobbing' with the opposition parties and had hosted an opposition conclave in Srinagar. The charge implied that the Kashmiris were less-than-full Indian citizens, with no right to accept or reject political parties.

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A goodwill team, including Maulana Abdul Rahman, Bachan Singh Panchhi and myself, visited the affected areas. We found that the spirit of *kashmiriat* and human brotherhood was not dead. Large gatherings, mainly Muslim, listened to our admonitions with respect. We got promises of contributions from the Muslims for reconstruction of the damaged temples as an act of atonement. At Luk Bhawani, a sum of Rs 10,000 was collected on the spot in response to my appeal. I was told by Kashmiri Pandit leaders that they had withdrawn the call for migration on finding a transformation of the Muslim mind after our visit. This easy transformation further confirmed the general impression in the valley that the communal incidents were not spontaneous but engineered through a planned campaign of rumours and other means. Curiously, while accusing fingers were raised against some members of secular parties, we found no evidence of the involvement of the Jamaat-i-Islami.²⁹

Shah was dismissed as arbitrarily as he was appointed. Governor's rule provided some relief for a while from the oppressive, corrupt and inefficient Shah regime. But Jagmohan, notwithstanding his personal integrity and efficiency, could never be a substitute for a democratically-elected leader. In any case, a non-Kashmiri nominee of the Government of India could not aspire to be a popular leader of the Kashmiris. Moreover, Jagmohan had to live down the image he had created of himself among the Muslims as lieutenant governor of Delhi during the Emergency and as the governor of Kashmir who had propped up the Shah regime.

Jagmohan's lack of empathy with the Kashmiri identity was perhaps his major handicap. In one of my many cordial meetings with him at the Raj Bhawan in Srinagar, he observed that as long as the Kashmiri identity existed, Pakistan and America would continue to exploit it. I argued, on the other hand, that if India did not recognise and satisfy the Kashmiri urge for an identity, the Kashmiri people would look to outside powers for support. In any case, I added, if he succeeded in erasing the Kashmiri identity, it would be replaced by a Muslim identity that might be even less manageable.

Though Jagmohan, in his letter in *India Today*,³⁰ denied statement attributed to him—and it is possible that one is not as guarded in what one utters in a private conversation—the well-articulated and elaborate views expressed in his book hardly create a different impression. He could not inspire confidence among Kashmiri Muslims regarding his respect for a political and constitutional manifestation of Kashmiri identity, and the most conspicuous instance was his declaration of intention of abrogating Article 370.

No Kashmiri Muslim is known to have believed that the decision to get Article 249 of the Indian constitution extended to the state would strengthen the Kashmiri identity in any way. Exercising the powers of the State Constituent Assembly, the governor had recommended to the Indian president its application to Jammu and Kashmir, which empowered the Indian parliament to legislate even with respect to matters in the State List. Jagmohan himself acknowledges that 'if the present set-up had not been there, much noise would have been made over the extension of Article 249 to the State.'³¹

Similarly, when the criteria of job reservation were so changed that the percentage of Muslim candidates selected by the Subordinate Services Recruitment Board was brought down to nearly half, it did not increase the governor's popularity in the community. In another incident, Qazi Nissar defied the government's order banning the sale of meat on the sacred Hindu day of Janmashtami for the first time in the state by slaughtering a sheep on a street of Anantnag.

None of this enhanced respect for the governor's authority. The Jagmohan neither understood nor believed in the concept of ethnic identities—so basic to modern political thought—is further evident from the way he changed the definition of a distinct and vital all-Muslim Gujjar community so as to include in it Syeds, Rajputs and Khatri if they could speak Gojri.³²

It is not the merit of any of these decisions that is being discussed. I am simply trying to illustrate that the manner in which they were taken did not increase the governor's popularity among the Muslims of Kashmir. But, the main opposition leader, Farooq, was engaged in a humiliating, two-year-long process of negotiations with the Congress

leaders in Delhi, and did not pay attention to the growing discontent in Kashmir. The political vacuum was filled by militant youth and fundamentalists. The former protested on the streets of Srinagar against what they regarded as less-than-their-due share in jobs, while the latter tried to forge a common platform that took the shape of the Muslim United Front.

Jagmohan thus midwived the birth of the twin phenomena of youth militancy and fundamentalism. However, he did earn the gratitude of the people of Jammu, particularly of its non-Muslim majority (as also of Ladakh), for freeing them from forty years of what they called 'Kashmiri Raj'. All the reasons that made him unpopular in Kashmir served to build his popularity in Jammu. In the process, the chasm between the aspirations of the two main regions of the state was further widened. The Kashmiri leaders were also responsible for this growing gulf. All the chief ministers, who always belonged to Kashmir, had supported Jammu's demand for regional autonomy before coming to power and after losing it. But when in power they always evaded the commitment using one or the other excuse.

THE BJP'S OPPOSITION TO REGIONAL AUTONOMY

One of the major excuses was provided by the BJP (and its earlier incarnations of the Jana Sangh and the Praja Parishad), which consistently opposed Jammu's demand for regional autonomy. As stated earlier, the Jana Sangh founder, S.P. Mukherjee, had supported the formula of autonomy of the state under Article 370 and the autonomy of the regions under the state constitution. In fact, the Parishad agitation had been withdrawn in July 1953 on the express assurance of the prime minister of India and the state government to grant regional autonomy. According to Balraj Madhok, however, the party soon changed its stand and started opposing the idea of regional autonomy, on a directive from the RSS headquarters in Nagpur. The party vehemently opposed the idea on all occasions, both before the Gajendragadkar Commission and the Sikri Commission, which were appointed to study the problem of regional tensions in 1968 and 1979 respectively.

Denouncing the idea of regional autonomy, the working committee of the Bhartiya Jana Sangh at its meeting in Simla on 2 July 1967 said, 'it would benefit only the supporters of Sheikh Abdullah and Pakistan elements.'³²

It was, therefore, in the interest of the ruling party in Kashmir to have the Sangh or BJP as the main opposition party, which could besides opposing regional autonomy, divert Jammu's discontent into impotent militancy and restrict it within two or three assembly constituencies that the Sangh hoped to win. The Jana Sangh's poor electoral performance can be explained, *inter alia*, by the peculiar demographic composition of Jammu. With over 34 per cent Muslims, 6 per cent Sikhs, 18 per cent scheduled castes, besides other communities and areas beyond the reach of the BJP, its political base is confined to a section of urban caste Hindus who constitute a majority only in a few assembly constituencies. It is no wonder that in the 1989 Lok Sabha polls, in which the BJP made big strides all over India, it could not get a majority in a single assembly segment in the two Lok Sabha constituencies of Jammu. In the assembly elections of 2002, the BJP could win only one seat.

Kashmiri irredentists too had a vested interest in keeping alive the strong Hindu communal party in Jammu. It helped them divide the region on communal lines and strengthen their claim to get its three Muslim majority districts merged with the Kashmir region in order to carve out what is called Greater Kashmir.

Way back in 1971, Chief Minister G.M. Sadiq confessed to me that it was easy to rule over Jammu as long as the Jana Sangh was the main opposition there. For, while it did not pose a serious electoral challenge to the ruling party in more than two or three constituencies, it helped in eliminating the challenge of a secular opposition that could jeopardise the prospects of the Congress in all the 32 assembly seats in the region. But he realised, rather too late (as he died soon after), the long-term implications of keeping Jammu discontented.

Regional autonomy was also an informal part of the Indira-Abdullah Accord apart from the categorical commitment of Nehru and Abdullah on the subject in July 1957. In fact, a five-tier internal constitution of

the state, including regional autonomy and devolution of power at the district, bloc and panchayat levels, which was drafted by me, was unanimously accepted by the J&K State's People's Convention convened by Sheikh Abdullah in 1968. The convention was inaugurated by Jayaprakash Narayan and attended by almost the entire political spectrum of the Kashmir valley, including Mirwaiz Maulvi Farooq's Awami National Conference, G.M. Karra's pro-Pakistan Political Conference, Jamaat-e-Islami, and stalwarts like Maulana Mohammad Sayed Massoodi, Bakshi Ghulam Mohammad, P.N. Bazaz and Shamim Ahmed Shamim. In a conference of representatives of Jammu and Ladakh in 1974, Abdullah had offered to implement my draft on the internal constitution of the state after coming to power. On returning to power in February 1975, he reiterated his resolve to implement the idea of regional autonomy on a number of occasions. But he too found it convenient to rule over Jammu by sharing a slice of power without responsibility with the Jana Sangh. In an informal arrangement, the party was associated with some administrative decisions and in the distribution of some of their benefits (e.g. seats in technical institutions and quota of jobs). The National Conference and the Jana Sangh also formally shared power in running the Jammu Municipal Council.

The National Conference-Jana Sangh understanding was, however, no substitute for the fulfillment of the regional aspirations of Jammu. Regional discontent took the form of a mass upsurge of a secular nature, with the demand in 1978-79 for a 'statutory, political and democratic set-up at regional, district, bloc and panchayat levels.'³³ A faction of the Jana Sangh group (at that time a part of the Janata Party) condemned the movement with the remark that even one thousand such agitations could do no harm to Abdullah. Another section of the Jana Sangh that joined the agitation under popular pressure, sabotaged it by giving up the main demand and striking a deal with Abdullah over the head of the All Party Committee that spearheaded the agitation.

Abdullah thus missed an opportunity to reconcile the diverse urges of the three regions and of emerging as the supreme leader of the state. This could have strengthened his hand in defending the autonomy of the state against undue encroachment by the Centre. It was due to this

failure on his part, as also on the part of his son and successor, that no tears were shed in Jammu on Farooq's dismissal in July 1984. In fact, the bulk of the support got by his rival G.M. Shah was from the legislators of Jammu and Ladakh. Only nine defectors from his legislative party belonged to the valley. When Farooq returned to power in November 1986, one of his first announcements was to constitute a commission, headed by me and including former Cabinet Secretary Nirmal Kumar Mukherjee, political scientist and Vice-Chancellor of Jamia Milia University, Bashirud-din, jurist Upendra Baxi and regional economics expert K. Mathew Kurien, to work out the details of regional autonomy.

However, once the elections were over, Farooq found in the BJP opposition to the idea of autonomy a convenient plea to wriggle out of his commitment and the formal order for the appointment of the proposed commission was never issued.

His failure to revive the traditional National Conference plank of *kashmiriat* to meet the secessionist-fundamentalist challenge in Kashmir can, at least partly, be attributed to his failure to recognise the regional identities of Jammu and Ladakh. For the same reason, he could not take Jammu's support for granted while combatting terrorism in the valley.

Farooq got another opportunity to redeem his commitment, and that of his father, when he returned to power in 1996, after an understanding with the central government. He appointed a Regional Autonomy Committee with myself as its working chairman. But when I submitted my report, after studying the urges and interests of every ethnic community, region and sub-region of the state and all precedents at the national and international levels, I was dismissed from my post and my report was not released. However, it has been widely noticed after I got it published on my own.

There are indeed striking parallels between the way New Delhi ruled over the state, and the way Kashmiri leaders ruled over Jammu. New Delhi failed to realise that Kashmiri identity is a source of strength for the national identity, just as the Kashmiri leaders failed to realise that recognition of regional identities was the surest guarantee of

building a composite and harmonised overall identity of the state and maintaining its autonomy. The unitary constitution imposed on the state within a federal India is an anomaly and has a built-in provision for tensions of various kinds common to all such constitutions in pluralist societies.

Just as discontent against the central government in Kashmir often becomes anti-India (which happens in varying degrees in the peripheral regions), similarly discontent against the state government in Jammu often tends to become anti-Kashmiri and, at times, anti-Muslim, both in Jammu and Ladakh. Most of the complications in the relations between the Centre and the state, and between Kashmir and the rest of India, can be traced to the irreconciled, divergent regional aspirations within the state. Reviewing my book, *Jammu: A Clue to Kashmir Tangle* (1966), *The Times*, London, had pertinently observed:

Mr. Puri argues with justice that until Jammu and Kashmir draw closer, settle their differences and agree to operate as equal partners, there will never be a stable basis upon which relations with [the rest of] India can be satisfactorily settled.³⁴

However, note must also be taken of the positive role played by a vital section of the leadership of Jammu in its friendly attitude towards Kashmiri aspirations and attempts at building a geo-political bridge between Kashmir and the rest of India as well as in contributing towards a reconciliation of the apparently conflicting national, Kashmiri and Jammu identities.

Beyond Democracy

The lack of non-terrorist and non-secessionist outlets of popular discontent contributes a great deal to the terrorist-secessionist tendencies in Kashmir. Little has been done to make the state, in general, and Kashmir, in particular, an integral part of Indian democracy, although much energy has been spent on its constitutional integration with the rest of India.

The democratic ideals of the freedom movement in India and its support to the struggle of the people of the princely states for responsible government inspired and influenced the people in the valley. However, these very ideals remained elusive after the state acceded to the Indian Union. Socio-cultural factors and the character of local leadership have, no doubt, played their part in inhibiting the growth of a democratic system in the state. But, it was also a deliberate national policy to subject demands of democracy to the claims of what was considered to be the national interest, as if the two were mutually incompatible.

AUTHORITARIANISM AND REGIMENTATION

The homogeneity of the valley's population, their long history of struggle against outside rulers and a consequent psychology of siege, the consensual nature of its society, and the lack of a strong middle class favoured the emergence of a powerful, charismatic leader. Sheikh

Abdullah became the supreme leader of the valley because of certain qualities in his own personality, as also the peculiar characteristics of his people. He symbolised not only their political aspirations but also their socio-cultural make-up. He was the supreme leader of the National Conference and an unrivalled master of the political scene. As life president of the Auqaf trust he controlled most of the mosques and *ziyarat* in Kashmir. The sacred shrine of Hazratbal in Srinagar from where he launched his offensive against the Muslim League and its theory of two nations became the political, religious and emotional centre of Kashmiri life. One-leader (Abdullah), one-party (National Conference) and one-programme (party manifesto called New Kashmir) were the basic slogans of the freedom movement in Kashmir and permitted little dissent.

Kashmir thus became a monolithic society led by an authoritarian leader who did not tolerate the slightest dissent. When Abdullah took over as Head of the Emergency Administration on 27 October 1947, the maharaja's administration had almost completely broken down. His party filled the administrative vacuum. The National Conference workers not only manned the 23-member Emergency Council but were also appointed government officials. Many government officials also held positions in the party. The state was still governed by the J&K Constitution Act of 1935 which had no provision for an emergency administration. The Abdullah administration functioned arbitrarily and without any defined constitutional powers—party workers assumed the de facto authority to arrest and punish whoever they held guilty. With unchecked political power and a tightly-controlled administration, Abdullah was able to further regiment all aspects of Kashmiri life.

As a member of the National Conference, I had raised the issue of the separation of the party from the administration in the party forum. Abdullah, however, rejected my demand and argued that he would not repeat the experiment undertaken in the rest of India. Being under the influence of the communists in those days, some of whom held positions in the National Conference, he preferred the Soviet model in which the party controlled every branch of the administration.

I also drew Prime Minister Nehru's attention to the implication of this kind of regimentation of the state set-up. As a glaring illustration, I showed him a copy of a letter of the Wazir Wazarat (as the Deputy Commissioner was then called) of Doda district, who was also the president of the district unit of the National Conference. He had, after visiting Kishtwar, ordered the expulsion of the office-bearers of the local National Conference, (vide his order No. HC 989, dated 24 November 1948) allegedly 'for their anti-government and anti-national activities,' and appointed new office-bearers in their place. Copies of the order were sent to the prime minister of the state and the general secretary of the party.

In a written note personally submitted to Nehru, I had warned that 'identification of the government with the National Conference would lead to the setting up of a totalitarian regime.' A few years later, during the Nehru-Abdullah talks on Centre-State relations in July 1952, I submitted a memorandum to Prime Minister Nehru in which I again pleaded for 'democratisation of the political structure of the state, safeguarding of the democratic rights of the people, ensuring of the freedom of the judiciary, making the administration completely neutral as regards political activities and distinctly separate from the National Conference.'

The attempt to impose a monolithic political system, which had evolved under the special circumstances in the valley, on the Jammu and Ladakh regions provoked stiff resistance and became an additional cause of regional tension. The National Conference had neither the requisite organisational network in these areas, nor the ideological equipment to represent their aspirations. It ruled over the state without any constitutional checks and balances, without an assembly or an opposition party (particularly in the valley). It had no accountability either. At many levels and in varying degrees, the party cadres misused the absolute power they had acquired and this caused their moral decline. In the absence of any democratic and secular outlet, the discontent of the people sowed the first seeds of secession.

In the elections to the State Constituent Assembly in 1951, the National Conference won all the 75 seats. Nobody dared to file a

nomination paper in the valley. The nomination papers of the opposition, mainly candidates of the Praja Parishad in Jammu, were rejected outright on flimsy grounds. There was a nominal contest for only two seats.

Gradually, the number of contestants increased. In the assembly elections of 1957, the contest extended to 32 seats. It rose to 41 in 1962, but were mostly confined to the Jammu region where elections were comparatively free as they could not be regimented like those in Kashmir. In the elections of 1967, the rejection of 118 nomination papers of the opposition candidates (including covering candidates) materially affected 39 out of 75 assembly constituencies, and ensured the unopposed return of Congress candidates in 22 out of 42 constituencies in the valley.

It is by now universally recognised that the elections in the state were usually manipulated, though the degree and technique of manipulation varied from election to election. Nevertheless, India's case on Kashmir increasingly depended, in the Security Council and other international forums particularly after 1957, on the endorsement of the Instrument of Accession by the election results. It was, therefore, considered less than patriotic to challenge the fairness of the elections or to insist on their fairness. For wasn't national interest more important than democracy?

An accompanying factor that affected the smooth functioning of democracy and the politics of the state was the widely-held belief in the country that all secular and so-called pro-India forces should always unite under the banner of a single party. At any rate, there was no question of an opposition party in the valley. This was not the view of the ruling party alone but also of the non-government intelligentsia and the political pundits in the country.

DEMOCRACY AND NATIONALISM: INCOMPATIBLE OPTIONS?

There is, on the other hand, ample empirical evidence, aside from theoretical arguments, to suggest that whenever a two-party system managed to function, despite the disapproval of both the central and

the state governments, it acted as an integrating influence and undermined communal and secessionist forces.

The first fissures in the monolithic politics of Kashmir and the leadership of the regimented National Conference occurred when Ghulam Mohiuddin Karra parted company with Sheikh Abdullah in 1948. Karra was a legendary underground hero of the Quit Kashmir movement and generally acknowledged as the number two leader of the party. But in order to cut him to size Abdullah offered the number two position of deputy prime minister and vice-president of the party to Bakshi Ghulam Mohammad.

In view of the importance of Karra's personality and his well-known secular convictions, I pleaded with Nehru that his loyalty to the country need not be routed through Abdullah and that his democratic right to oppose the state government should be recognised. Nehru agreed on the theoretical soundness of my argument but maintained that India's Kashmir policy revolved around the personality of Abdullah and, therefore, nothing should be done to weaken him. I had a similar response from Jayaprakash Narayan, then leader of the Socialist Party. He too disapproved the idea of an opposition party within the state as long as it remained a subject of international dispute.

In the absence of any moral and political support from outside the state, the dissent led by Karra was suppressed for the time-being. But, after remaining in the wilderness for five years, it resurfaced in June 1953, now as the nucleus of the first pro-Pakistan opposition party in Kashmir called the Political Conference. It succeeded in disturbing the equilibrium of Abdullah who, in order to steal the thunder of the new challenge, started making anti-Centre noises. Karra continued to swear by Gandhian values and, on subsequent occasions, proved his secular credentials while leading some agitations, such as the one over the theft of a holy relic from the Hazratbal in December 1963. Had he been allowed to play his due role within the national framework, he could perhaps have diverted the emerging discontent in the valley successfully through a secular and pro-India channel.

After August 1953, when Kashmir was seething with anger over the manner in which the popular hero Sheikh Abdullah was deposed

and imprisoned, I met Nehru and argued, through a written note, that the 'formation of a pro-India democratic opposition on an all-state basis would provide a healthy outlet to the mass discontent which otherwise is being compelled to find violent or communalistic outlets. A pro-India party, by providing a proper channel to anti-government sentiments, would prevent them from becoming anti-India and can play as much part in bringing Kashmir closer to the rest of India as does the ruling party.' Nehru warned me against being too idealistic and asserted that national interest was more important than democracy. He conceded that Bakshi used unscrupulous methods, but argued that India's policy on Kashmir now revolved around him, and, despite all its shortcomings, the Bakshi government had to be strengthened. He added, 'We have gambled at the international stage on Kashmir, we cannot afford to lose it. At the moment, we are there at the point of the bayonet. Till things improve, democracy and morality can wait.'

I explained that my arguments were not based on idealistic and moralist principles alone. I wanted to draw a distinction between anti-government and anti-India sentiments and to emphasise the need to divert the latter into the former. Why should the loyalty of the Kashmiris to the country be routed through Bakshi, as it used to be earlier through the Sheikh, I asked. The politics of Kashmir, Nehru replied, revolved around personalities. There was no material for democracy there. In any case, whatever the advantages of my proposal, they were outweighed by the risks involved in allowing opposition to the Bakshi government. 'We might lose Rs. 10 for trying to gain annas four,' he concluded. My final argument that the role I aspired to play would supplement his gain of ten rupees by four annas apparently did not convince him.

I was able to persuade Asoka Mehta, the then president of the Praja Socialist Party (PSP), to extend its activities to the state. But Nehru dissuaded some stalwarts of the Kashmir freedom movement like Maulana Mohammed Saeed Massoodi and Chaudary Mohammed Shaffi, both MPs at that time, from joining the PSP. Most of us, including Asoka Mehta, were physically beaten up when we went to Srinagar to inaugurate a branch of the party in November 1954. The activities of the party were suppressed all over the state through sheer

goondaism. To prevent public sympathy for the state unit of the party from growing in the rest of the country, Nehru accused the PSP of 'joining hands with the enemies of the country,' and, to add emphasis, said, 'in fact more than enemies of the country.'

The first experiment of a nationalist opposition party was thus crushed. However, in 1962, Nehru changed his attitude and suggested to me that the PSP should contest the assembly elections in Kashmir as India was earning a bad reputation in the world for its unopposed elections. He conceded, of course too late, that if the PSP had become powerful there, it would have served the national interest. We contested one seat in Amirakadal in Srinagar with a candidate, O.P. Saraf, and a handful of party workers, both from Jammu. The regimented set-up that Bakshi had inherited and perfected with a much higher degree of state terror and corruption prevented any Kashmiri from expressing his opposition openly. As expected, the PSP candidate was defeated, but the contest attained its objective of creating a thaw in the political structure of Kashmir as well as drawing a distinction in a limited way between loyalty to the government and loyalty to the country.

In 1958, another experiment in opposition politics was made when G.M. Sadiq led his leftist group out of the National Conference to form the Democratic National Conference (DNC). The new party inspired new political talent, and made its own contribution towards the secularisation and democratisation of the politics of the state by exposing the corrupt and repressive acts of the Bakshi regime. A number of foreign journalists observed that the Bakshi-Sadiq rift had made a considerable dent in the formidable following of the Plebiscite Front led by Abdullah. But the national leaders and the press were alarmed over the 'disunity in the ranks of the nationalist forces.' The two parties were, therefore, pressurised to reunite in 1961 and the event was hailed by political pundits as a triumph of the national interest. *The Hindu* complimented Sadiq for being able to see the futility of an internecine strife and argued that 'a stray victory of the DNC in the coming elections would have been interpreted as demonstration of anti-India feeling.' *The Indian Express* observed that the 'function of an opposition party can be little more than academic in a State whose main task is to fight

economic backwardness and age-old poverty.'² *The Hindustan Times* justified the one-party system in Kashmir on grounds of security.³ According to the *Hindustan Standard*, those who did not hail the dissolution of the DNC were 'fostering narrow, parochial and fissiparous tendencies.'⁴

In 1967, Bakshi revived the National Conference when the ruling official group led by Sadiq was converted into a provincial committee of the Congress party. On account of Bakshi's organisational skill and the emotional appeal of a regional party on the one hand and the unpopular integrationist measures by Sadiq on the other, Bakshi gathered sufficient mass support and posed a serious challenge to the ruling party. In spite of the large-scale rejection of the nomination papers of his party, detection of duplicate votes and other malpractices, Bakshi was elected to the Lok Sabha from Srinagar. Eight members of his party were elected to the state assembly from the valley.

Although Bakshi had several weaknesses, even his worst enemies never doubted his patriotism. But, as part of the Sarvodaya observers team deputed by Jayaprakash Narayan, we met several bureaucrats in the state who told us that Bakshi had to be defeated in the national interest. Prime Minister Indira Gandhi publicly stated in her election tour that there was no need for an opposition party in Kashmir. When I drew her attention and that of the leaders of the principal opposition parties to the implications of her statement, the latter protested. But Mrs Gandhi clarified that she had merely expressed her fear that the opposition in Kashmir was likely to go astray. The administration, however, got the signal to cut the opposition to size.

When I showed the chief election commissioner, K. Sundram, a bundle of duplicate ballot papers, he argued that Bakshi also used to do the same. To this I retorted that I was not representing Bakshi's case but rather that of the citizens of the state who had been deprived of their democratic rights by both Bakshi and Sadiq. Instead of taking cognisance of my complaint, Sundram threatened to take action against me. He said that it was illegal to possess ballot papers. Obviously, he too believed that 'the national interest' was more important than the demands of democracy and his office. It is in this context that I wrote

in March 1967: 'If the people of Kashmir get the impression that even in limited and safe choices, they cannot be trusted, no outside propaganda would be needed to undermine their loyalty. If badges of patriotism are issued to only those who do not cry for fair elections, how many honourable men and women would like to wear them?'

An excellent opportunity to channelise the politics of the state into secular and nationalist lines, cutting across communal and regional barriers, was again squandered when Bakshi was readmitted into the Congress. And once again the entire national press welcomed the event as a 'consolidation of the nationalist forces.'

In 1972, for the first time after his dismissal from power in 1953, Sheikh Abdullah decided to take part in the elections to the state assembly, and he indicated his willingness for a dialogue with the prime minister for a settlement of the Kashmir dispute. But his entry to the state, along with that of his wife and Mirza Mohammed Afzal Beg, was banned, and the Plebiscite Front was declared unlawful. In fact, its members were also debarred from taking part in elections. Sayed Mir Qasim, chief minister at the time, admits in his autobiography that to frustrate further attempts by any group with support from Abdullah to contest the Congress, they enlisted the services of the Jamaat-i-Islami to fill the vacant political space, and allegedly guaranteed its success in five constituencies. It was the first occasion when the Jamaat received constitutional recognition and political legitimacy in Kashmir.

1977 was an unusual year in the politics of the state. On 30 June that year the fairest-ever elections took place in the state. The Janata Party leader and prime minister, Morarji Desai, decided on fair elections against the advice of his cabinet colleagues. The Janata Party mobilised all anti-Abdullah elements under one banner with the result that the politics of the state was now polarised around two parties, both secular and nationalist—the National Conference and the Janata Party. This made all secessionist and communal forces redundant. Most of the anti-Abdullah elements had become pro-Pakistan for want of a pro-India outlet. When this was made available in the form of the Janata Party, they either joined or at least supported it, even though Jana Sangh was one of its constituents. Prominent among them were G.M. Karra, P.N.

Bazaz, Mirwaiz Farooq and the Jamaat-i-Islami. The party was led by a stalwart like Maulana Mohammad Massoodi, who was never trusted by Abdullah despite his never having been either anti-India or anti-Abdullah.

The election results were stunning. The Janata Party won only two out of 42 seats in the valley. This rout of the ruling national party at the centre by the regional party was a unique and thrilling experience for the people. It made them realise, for the first time, the potentialities of being a citizen of India. The synonymity, firmly established so far, between loyalty to India and to the Government of India was thus broken. A proud Kashmiri could now also be a proud Indian. The year 1977 as such marked a major breakthrough in the politics of the state and in its emotional integration with the rest of India. Its impact continued for almost a decade when communal and secessionist voices remained quiet till new forces took over to reverse the process.

THE LOGIC OF ALIENATION

After the collapse of the Janata Party at the national level, the role of a much-needed opposition in the state fell to the Congress. In the assembly elections of June 1983, it emerged as the principal opposition party. It was, thus, the best organised and the most vocal channel for the expression of the people's dissatisfaction against the state government. On 14 January 1984, six Congressmen sacrificed their lives to the cause of the party when a militant party demonstration was fired upon by the police. The party showed remarkable determination and promise to capitalise on the acts of omission of the post-Abdullah government led by his inexperienced son. In this context, Indira Gandhi rightly asserted that 'the Congress (I) has emerged as a party full of vigour and enthusiasm. It has become a strong fighting arm of the national organisation. Thus it has strengthened the cause of secular and democratic forces in J & K.'⁶

But the Congress party cut short its promising role when it engineered defections to impose G.M. Shah's government on the state. It did not remain as the opposition party nor did it become the ruling party. The decision to dismiss a duly elected government and impose

an unpopular government on the state was tantamount to expelling the state out of the boundaries of Indian democracy that it had entered in 1977. The parliamentary elections in December 1984 indicated a precipitous fall in the electoral support of the Congress in the valley, contrary to the national trend, since the assembly polls a year and half ago. After the landslide countrywide victory of the Congress party in the parliamentary elections of December 1984, Farooq Abdullah gave up his role as an opposition leader and offered unconditional support to Prime Minister Rajiv Gandhi, creating an opposition vacuum that lasted for about two years. His failure to express the popular anger that had built up in Kashmir against his own dismissal earlier allowed this anger to be mobilised by the fundamentalist forces. Farooq Abdullah thus betrayed his people and the cause of democracy.

Another major milestone in the process of alienation of the Muslims of Kashmir was the Rajiv-Farooq Accord leading to the formation of the National Conference-Congress coalition government on 7 November 1986. The Accord was defended by both the parties, mainly on the ground that it would ensure a larger inflow of central funds to the state. The argument implied that central aid was given on narrow political considerations. It was as if the party in power at the Centre had a right to buy a share in the political power in a state by promising aid. The self-respecting people of Kashmir had repeatedly rebuffed attempts of earlier governments to buy out their loyalty. Their reaction this time was no different.

Farooq said more explicitly: 'Anyone who wants to form a government in Kashmir cannot do so without sharing power with New Delhi.'⁷ The people's support did not matter much, he added. As usual, the press and the political commentators of the country supported the Accord with similar arguments and welcomed it for uniting the secular and nationalist parties of the state. Prof. J.D. Sethi (no part of the establishment at that time) theorised the Accord by a general statement that the Centre should share power in all the border states. Such a theory is a denial of the basic principles of democracy and federalism. It implies that some states should be denied the right to be ruled by a government of their choice. Aside from re-establishing that Jammu

and Kashmir was less equal than the other states of India, the Accord once again pushed the state outside the framework of federal democracy in India. More importantly, it blocked secular outlets of protest against governments both at the Centre and the state. Before the Accord was signed, the National Conference provided an outlet for the first, and the Congress an outlet for the second, kind of protest. The Accord destroyed the *raison d'être* of both the parties and forced all types of discontent to seek fundamentalist or secessionist outlets, which consolidated in the form of the Muslim United Front.

Commenting on the obvious implications of the accord, I warned that as its inevitable consequence, 'Kashmir will go the Punjab [which was then in the grip of terrorism] way and Farooq would go the Barnala [the dismissed and isolated Akali chief minister of Punjab] way.'⁸ I told Farooq that it was a friendly warning and that nobody would be happier than me if I were proved wrong.

Rajiv Gandhi is reported to have realised that the accord was the single biggest mistake he made while in office. He told Vir Sanghvi, then editor of the *Sunday* weekly, that he thought 'it was important that the Congress and the NC remained at opposite ends of the political spectrum.' Otherwise, he said, 'the protest vote would end up going to the extremists.'⁹

The next milestone on the road to Kashmir's alienation was the partly-rigged assembly elections of March 1987. In constituencies where elections were manipulated, the polling agents of the opposition candidates were arrested and beaten up, not only by the police but also by the 'winning' National Conference candidates. Many of them later comprised the nucleus of the militant secessionist movement. If the Accord had blocked secular and nationalist outlets of discontent, the elections blocked constitutional and democratic ones as well.

There has been a persistent policy of denying Kashmir a right to democracy: one-party rule has been imposed on the state through manipulation of elections, opposition parties have been prevented from growing, and the people have been denied elementary civil liberties and human rights. This refusal to integrate Kashmir within the framework of Indian democracy has proved to be the single greatest

block to the process of Kashmir's emotional and political integration with the rest of India.

The basic premises of this policy are that the Kashmiris are unfit for democracy, or do not deserve it, or that democracy and national interest are incompatible. These premises are not only an insult to the people of Kashmir and to all democratic sensibility, but were also proved to be false by later events. The Kashmir problem had, thus, been resurrected by the late-eighties, thanks mainly to the wrong premises of India's Kashmir policy, despite the Indian state's unusually favourable situation in the subcontinent.

6

Towards Insurgency

The alienation of the people of Kashmir made considerable headway due to the sequence of events that was discussed in the previous chapter. A similar process of alienation from the Kashmiri leadership soon followed in Jammu and Ladakh after the assembly elections of March 1987 for it wriggled out of its pre-poll commitment to appoint a five-member commission under my chairmanship to work out details of regional autonomy.¹

The people of Ladakh were further hurt by their non-representation in the new Congress-National Conference ministry and its failure to implement the promise made by Indira Gandhi in 1980 to grant them a scheduled tribe status. As the Congress and the National Conference wooed the Buddhists and Muslims of the region respectively, communal tensions developed that had inevitable repercussions on the valley.

The people of Jammu were rudely shocked by the decision of the state government in 1987 to curtail the number of offices that moved to the winter capital every year. The movement of offices between the two capitals, called the Durbar move, was a century-old practice. The decision to stop the move downgraded the status of Jammu as it implied that Jammu city was no longer one of the two capitals of the state. In an unprecedented display of unity, all sections of the Jammu population joined an agitation from 7 November 1987, under the banner of the Bar Association, for withdrawal of the government order.

Chief Minister Farooq Abdullah, who declined to settle the issue with the leaders of Jammu, later submitted to the directions of the Union Home Minister Buta Singh, who visited Srinagar and reversed the order in toto. Farooq, thus, allowed himself and his people in Kashmir to be humiliated without regaining any goodwill in Jammu.

ANTI-GOVERNMENT TO ANTI-INDIA

By 1988, the prestige of Farooq Abdullah and his government had suffered serious setbacks. There was no alternate force that had any claim to legitimacy. Even the traditional fundamentalist leadership (and its methods of protest) could not mobilise the growing popular discontent. The new phase of turmoil continued leaderless for a while. Gradually, however, a new leadership from the new generation started taking charge of the situation.

On 10 June 1988, demonstrations were held in Srinagar, apparently spontaneously, to protest against a sudden and steep rise in power tariffs at a time when the power supply had become most erratic. The deaths of three persons in police firing further infuriated the people. The government, however, rejected the demand for an enquiry and condemned the 'anti-national' hand behind the agitation. On the fifth day there was a *bandh* all over the valley. The agitation then turned violent. The first incident of a terrorist kind occurred in July 1988. There were two powerful bomb blasts in Srinagar that barely missed their targets—the Central Telegraph Office and the TV station. The following month, the simmering discontent in the valley found a clear anti-India expression through a series of events: Pakistan's independence day was celebrated on 14 August, a *bandh* was organised and black flags were raised on India's independence day on 15 August, and a condolence demonstration was held on the death of the Pakistan president, Zia-ul-Haq, on 17 August.

The militant Kashmiri youth again made their presence felt through an abortive attempt on the life of a Deputy Inspector General (DIG) of the state police at his residence on 17 September and through other incidents of bomb blasts elsewhere. On 6 October, the Union Home Ministry claimed that over 100 armed infiltrators had entered the state

during the preceding few months to create disturbance.² A week later the Director General (DG) of the state police identified camps across the border where the Pakistan army, the Field Intelligence Unit (FIU) and the Inter-Services Intelligence (ISI) were allegedly imparting training to the Kashmiri youth in the age group of 18 to 30. Out of a hundred youths who had crossed over to the valley, the DG claimed to have arrested twenty-nine.³

Periodic eruptions of anti-India sentiments in Kashmir, observed *The Hindustan Times*, 'reached a new high on the Republic Day of 1989 when militants imposed a successful *bandh* throughout the valley.'⁴ A number of protest demonstrations followed: on the death anniversary of the JKLF founder, Maqbool Bhatt, on 5 February; against Salman Rushdie's book, *The Satanic Verses*, on 13 February; against the death of the father of the People's League president, Shabir Shah, in police custody at Anantnag on 5 April. All these protest demonstrations were marked by incidents of cross-firing between the police and the militants.

The incidents from mid-1987 to mid-1989 did not always represent the reaction of the people to particular issues but were manifestations of an accumulated anger. The anger itself had many components and was capable of diverse manifestations. It should, therefore, have been possible to encourage certain channels of protest, and discourage others. Issues of administrative and economic policy (power tariffs), religious sentiments (Salman Rushdie's book), civil liberties (custodial deaths), and even mourning on Zia's death are qualitatively different from the specific anti-India demonstrations of 14 and 15 August, 26 October (accession day) and 26 January. The scope of legitimate rights and the forms of protest of Kashmiris as Indian citizens could have been demarcated and differentiated from the illegitimate rights and forms of protest. The methods of dealing with the agitation on each issue, including the use of force, could have varied accordingly. A distinction could also have been drawn between violent and peaceful as well as between terrorist and non-terrorist forms of protest. But the unleashing of indiscriminate repression only intensified the existing anti-government and anti-India sentiments and enabled the militant elements to identify completely with the non-militant popular unrest.

'I WILL BURY THEM ALIVE ...'

The chief minister's response to the emerging situation indicated a sense of bravado rather than maturity. 'I will bury those people alive who are trying to exploit religious feelings,' he declared.⁵ Many other statements were in the same vein: 'I could break legs of my political detractors... I can send lakhs of people to jail. I have the backing of the Indian government...'⁷ 'I will send them [arrested people] to Delhi where scorching heat will melt their fat... Anybody seen carrying a gun will be shot dead...'⁸ 'I would throw out anti-national elements into Pakistan.'⁹ He threatened the militants that Batmaloo would be re-enacted.¹⁰ The allusion was to the alleged role of the Indian army in eliminating the Pakistani infiltrators from Batmaloo in Srinagar in 1965 by burning the locality.

Later, Farooq Abdullah attributed the rising discontent in Kashmir to the failure of the Centre to give the state the promised funds as per the Rajiv-Farooq Accord. He also complained of discrimination against the state in the distribution of central financial aid. Of the aid it received, 70 per cent came in the form of grants and 30 per cent as loans while other hill states got 90 per cent as grants and only ten per cent as loans. Frustration among Kashmiri Muslim youth, according to Farooq, was also caused by its nominal representation in the central departments that were monopolised by Kashmiri Pandits. 'Muslims are discriminated against outside the valley,' he felt and so he asked, 'where will the two lakh unemployed Kashmiri youth go?'¹¹ In despair, he asked, 'What can I do? There are 3,000 engineers looking for jobs even after we gave jobs to 2,000 in the last two years... With no power, schools, roads, etc., what have I done to show the people?'¹² It is a thin line that divides bravado from despair.

When I asked the chief minister what his plank was—apart from development, and law and order—at the emotional, political and ideological levels to counter the appeal of the militants, he said: 'What can I do when they come in the name of Islam?' But I asked again, 'Do you believe whatever they are doing is in accordance with Islam and what you are doing is its violation? How did your father succeed in using Islam to counter the appeal of Pakistan? And why cannot you

convince the people that you can better represent and defend *kashmiriat* than the militants?' Farooq replied: 'If I raise the slogan of *kashmiriat*, there will be a storm in the whole country against me.'

I argued that if he conceded autonomy to the three regions of the state as he had once committed, each would respect and defend the identity of the other, thus promoting internal harmony in the state. The rest of the country, I said, would heave a sigh of relief instead of creating a storm. However, it was obvious that Farooq's main anxiety was to satisfy Delhi and not the people of the state. As V.N. Narayanan, editor of the *Tribune*, Chandigarh, observed: 'The impression in Srinagar is that he cannot run the government without Delhi's orders, and paradoxically enough, he cannot run the government with Delhi's orders either.'¹³ For hardly anything was left of Delhi's credibility in Kashmir by that time, nor was there any indication that it had an understanding of what was happening in the valley. Describing how Farooq dealt with the situation, Narayanan added: 'He has sought to shift his trust to the Central Reserve Police from the state police. The CRPF has brought a spell of deceptive calm to the city, with it has come the incessant cry of harassment of innocent persons. Arrests and detention without charges have increased, the number is quite out of proportion to the officially claimed number of extremists in the state.'¹⁴ It is thus clear that the Government of India and its appointee in the state had given up the battle for the minds of the Kashmiri people by the summer of 1989.

LEGITIMISING TERROR

Militancy in Kashmir, thereafter, passed through various phases. It acquired a qualitatively new character when the first political killing took place in Srinagar on 21 August 1989. A block president of the National Conference, Mohammed Yusuf Halwai, was gunned down by militants near his house in downtown Srinagar. Shutters were immediately downed in the city due to a mixed feeling of fear, confusion and, perhaps, a mild disapproval.

The government reacted to this event by hastily passing, what was called, the J&K Special Powers (Press) Bill in the state assembly. These

curbs on the freedom of the press and the subsequent consequences came under such limelight in the local and national media that attention was completely diverted from the murder of an unarmed politician. Far from attempting to make an issue of it and launching a counter-moral and political offensive against the militants, the government managed to put itself in the dock. The spontaneous *hartal* on the day of the murder, with mixed motives and confused responses, came across as a part of the four-day *bandh* the militants had organised against the attack on the freedom of the press. The bill was eventually indefinitely deferred by the legislative council but only after it had served the purpose of shielding the militants from the possible adverse effects of a political murder. That the National Conference was not yet a spent force was indicated by its impressive and well-organised rally in Srinagar on Abdullah's death anniversary on 8 September. However, it had missed the psychological moment to hit back at its enemies.

The first Kashmiri Pandit to be killed, on 14 September 1989, was a BJP leader, Jia Lal Taploo. Then, on 4 November, Neel Kanth Ganjoo, the retired sessions judge who had sentenced the JKLF founder, Maqbool Bhatt, to death was killed. Though the JKLF explained that the two were not killed on account of their religion, the murders did cause a scare among the Pandits.

The militants soon gained further ground with the way the government reacted to their kidnapping of Dr Rubaiya Sayeed, daughter of the Home Minister Mufti Mohammad Sayeed. The incident caused deep indignation in Kashmir where various groups openly demanded her release. Voices of protest were also raised by many Muslims abroad, including in Pakistan. There were indications that the militants were inclined to release Rubaiya Sayeed unconditionally. Had they killed her, it would certainly have dealt a fatal blow to their movement. But the newly-installed National Front government in New Delhi acted in sheer panic. Two of its cabinet ministers, I.K. Gujral and Arif Mohammed Khan, along with high officials in the Home Ministry, including the intelligence agencies, journalist friends of the Mufti, and some mediators rushed to Srinagar to force the state government to sign an agreement with the militants along the lines dictated by them.

The agreement to secure the release of Rubaiya Sayeed in exchange for five imprisoned militant leaders raised the morale of the militants. It legitimised and popularised kidnapping as a political weapon. As the *Dawn* of Karachi observed, 'it was a bluff that worked.' Many of those in Kashmir who had criticised it as un-Islamic had to recant. Doordarshan, in its short-lived phase of glasnost, covered the new euphoria so evident on the streets of Srinagar, adding greatly to its impact.

INSURGENCY BEGINS

The appointment of Jagmohan as governor of the state for the second time on 19 January 1990 marked a major watershed in the triumphant march of militancy in Kashmir. Farooq's resignation, which was a foregone conclusion as he had clearly indicated his intention of doing so in case Jagmohan was appointed, brought New Delhi into direct confrontation with the Kashmiri rebels. The dissolution of the state assembly by the governor on 19 February further removed whatever vestige of a buffer was left. Farooq and the state assembly had certainly lost much of their representative character. But, in no case could a person with the image and reputation of Jagmohan, and a nominee of the Centre, become a better representative of the people of Kashmir in their present mood. The Kashmir problem thereafter acquired a new complexion—India versus Kashmir; with corresponding psychological changes on either side.

Soon after the imposition of Governor's Rule, the people in Kashmir were administered a severe shock. At 5 a.m. on 20 January 1990, security forces cracked down on a part of Srinagar city, conducted a house-to-house search and rounded up over three hundred persons, most of whom were, however, released later. 'People also complained that most of those arrested were beaten up or dragged out of their houses. In some cases, they were not even allowed to wear shoes and taken bare-footed.'¹⁵ The next day people were on the streets, defying curfew, to protest against the alleged excessive use of force in the search operation and ill-treatment of women. Groups of demonstrators started from different parts of the city. They were not stopped en route but fired

upon when most of them converged around Gau Kadal. The press put the toll at 35¹⁶—the highest number of persons ever killed on a single day in Kashmir till then. As trouble spread, fifteen towns of the valley were put under curfew. Jagmohan, however, denied that he had ordered the crackdown. He put the responsibility on Farooq, who was alleged to have done so 'without applying his mind in depth and without ascertaining details and assessing the repercussions.'¹⁷ Farooq vehemently denied the allegation.

It is neither possible nor necessary here to locate individual responsibility for the incident. What matters is the fact that no public enquiry was ordered by the governor into the allegations of excesses and that nothing had been done to avoid firing on the crowds. Such incidents continued to recur, taking an even higher human toll, and with allegations of worse excesses.

With this incident, militancy entered a new phase. It was no longer a fight between the militants and the security forces. It gradually assumed the form of a total insurgency of the entire population. The new phase was also marked by demoralisation within the political system, followed by the collapse of the administration. The escape of twelve detenus, described as dangerous, from Srinagar jail, is just one illustration of this collapse.

About 200 personnel of the state police held a protest demonstration on 22 January against the killing of three of their colleagues by the paramilitary forces. 'They demanded that dead bodies of the killed policemen be handed over to them. They dispersed after DG police J.N. Saxena assured severe punishment against the guilty army jawans. It was also announced that a case of murder had been registered against them.'¹⁸

Besides the local police and the local officials, all of whom were considered to be disloyal, even those senior IAS and IPS officers suspected to be out of tune with the new policy were sidelined. But the occupant of Raj Bhawan, with his self-image of a messiah, was determined to rescue Kashmir from the Kashmiris. He was determined to fight single-handed on all fronts. In such a situation, excessive distrust became as counter-productive as blind trust could have been.

Apart from the collapse of the administration, 'the courts at the district and the sub-divisional levels had ceased to function,' records Jagmohan. He also criticised the 'manner in which the State High Court was functioning,' particularly the two judges who functioned from Srinagar and who had been 'affected' by the environment.¹⁹ Postal, banking and insurance services were completely paralysed. Social and welfare activities, including the Red Cross, were wound up. 1990 was also the first year when the head of the state failed to hoist the national flag on Republic Day. It was a period when the Indian state exposed not only its ugliest face but also its most helpless form.

The mounting toll in firings by the security forces was justified by the mounting tempo of the anti-India frenzy and vice-versa. Frenzied crowds of unprecedented size—comprising men, women and children—belonging to all sections of society, including government servants, often under the banner of their respective departments, moved on the streets of Kashmir demanding *azadi*. In desperation, the administration imposed curfew and issued orders to shoot at sight. Long spells of curfew—perhaps the longest in the history of India—lasting many weeks at a stretch, with occasional breaks of two to three hours in the early winter mornings, closed all avenues of social and occupational activities. Educational institutions, too, remained closed most of the time. The only fora left for expression of popular anger were the mosques where almost the entire population gathered, shouting slogans of *azadi* through microphones.

In this atmosphere of total confrontation between the security forces and the Kashmiri Muslims, the excesses of the militants and the killing of innocent civilians by them could hardly attract much attention. When an independent ex-MLA, Mir Mustafa, was killed on 24 March, there was some protest in his native town and a clash of opinion amongst the militant groups. The hardship caused by the 18-day-long curfew and crackdowns following the kidnapping and killing of the eminent Islamic scholar and Vice-Chancellor of Kashmir University, Mushir-ul-Haq, his personal assistant Abdul Ghani, and the HMT General Manager H.L. Khera, on 11 April diverted the direction of popular displeasure away from the militants.

Popular wrath was also directed against the government because the people couldn't but compare its rigid stand on this occasion, with the too liberal approach it had adopted in getting Dr Rubaiya Sayeed released. Hilal Beg, who owned up to the responsibility of killing the Vice-Chancellor and the other two hostages told the press that the militants were prepared to set them free without quid pro quo, provided curfew was lifted to allow them to come out of their hideouts. Otherwise they would have been caught.²⁰

COUNTER-PRODUCTIVE REPRESSION

It was the firing on the funeral procession of Mirwaiz Maulvi Mohammad Farooq that set the rest of the country thinking about the adverse implications of an indiscriminate and ruthless single-track repressive policy in Kashmir.

Mirwaiz Maulvi Mohammad Farooq was gunned down on 21 May 1990. The anger of the large number of his devoted followers was initially directed at a militant outfit suspected of being behind the murder. But the government managed to divert this anger against itself and India. The security forces fired on the funeral procession when, after starting from the Sher-i-Kashmir Institute of Medical Sciences at Soura, it had almost reached its destination, Mirwaiz Manzil, the ancestral house of the Mirwaiz, at a place that had no escape routes. The death toll estimates vary between 47, as stated by the national press, and 100 according to the BBC.

Almost the entire national press criticised the senseless firing. One hundred and thirty-seven state government officials took the unusual step of publicly expressing their resentment over the firing incident. A notable foreign reaction to the incident was the call from the Bush administration to the Government of India. It wanted the Indian government to restrain the use of deadly force against unarmed demonstrations. Bush's special envoy, Gates, arrived in Delhi specifically to convey the message.²¹

Again, Jagmohan shifted the responsibility to the DG Police who reportedly denied the charge in his representation to the government. However, some questions about the role of Jagmohan still remain

unanswered: Why was the death of such an eminent religious leader not treated as an occasion for official mourning? Why was the courtesy of placing a wreath on the dead body on behalf of the governor not observed? Why were pickets of the security forces maintained along the route of the procession when there was no government installation there to be protected? Why was the funeral procession not stopped (if at all it had to be stopped) at the hospital from where the body was taken, or anywhere in the open areas before it entered a lane? Why was no relief offered to the victims of the firing or to the families of the deceased?

It was the logical outcome of such a reckless and ruthless one-track policy that led to the cross-over of an officially estimated 10,000 desperate Kashmiri youth to Pakistan²² for training and procurement of arms. It was unofficially explained that this could happen not on account of a lack of check on the borders but due to a deliberate policy to get rid of the Kashmiri youth who were not to be allowed to return. The senseless ruthlessness also contributed to the exodus of almost the entire Kashmiri Pandit community to a life of indefinite and tragic wilderness. Jagmohan, who had midwived militancy and fundamentalism in 1984 when he arbitrarily dismissed a duly elected government, now assumed the role of 'a nursing orderly' for their growth.²³

Under Article 92 of the state constitution, Governor's Rule implies absolute power that, unlike President's Rule in other states, is not accountable to the parliament. Jagmohan is right in claiming that he had a legal right to dissolve the state assembly without seeking the consent of the Government of India. He is also right in complaining that he did not get a free hand. He could have got it if human rights activists had not intervened, if the press was not free to report and criticise him, if the judiciary was not independent and the High Court was more obliging, if India was not governed by a democratic constitution, if public conscience in India was dead, and if Kashmir could be screened from international scrutiny. But the National Front government was not prepared to remove these constraints even though Jagmohan made a sustained effort to overcome them.

He defamed human rights activists, cast aspersions on the High Court, and tried to manage and manipulate the media. Within a week of his taking over office, as the Press Council team records: 'The administration had confined all foreign and national correspondents to their hotels and then bundled them out of the valley.'²⁴ Curfew passes of the staff of the local newspapers were so restricted that their regular publication was disrupted. 'This resulted in loss of credibility, doubt, suspicion and anger. That rumour and exaggerations began to pass for hard news thereafter was an inevitable consequence. The importance of international and even national public opinion was simply ignored.'²⁵ Most of the national media accepted a self-imposed censorship in the 'national interest' to give the new policy a trial. Meanwhile, permanent correspondents of many papers moved to Jammu in view of the atmosphere of insecurity in the valley. Press releases from the Raj Bhawan became the main source of news for the media. One could find the same story with the same phrases under different bylines in different papers. Unfortunately, two media personalities, an outstanding TV director, Lassa Kaul, and an innocent information officer, P.N. Handoo, were gunned down by terrorists on 13 February and 1 March 1990 respectively. They were accused of implementing the new media policy. While the electronic media lost its credibility, the militants gave a call to boycott newspapers from outside Kashmir. Kashmir's communication links with the rest of India were cut off. As a 'media vacuum' developed in Kashmir, 'counter-media local releases, posters, cassettes and rumours as well as Pakistan [and PoK] radio and TV had a field day.'²⁶ Kashmir also became dependent on foreign media for local news.

PANDIT MIGRATIONS

The Jagmohan regime witnessed the exodus of almost the entire small but vital Kashmiri Pandit community from the valley. Padma Vibhushan Inder Mohan (later he renounced the title) and I were the first public men to visit Kashmir in the second week of March 1990 after the new phase of repression had started. Though the Kashmiri Muslims were in an angry mood, they heard us with respect and narrated their tales of woe. At scores of meetings to which we were invited during our

short but hectic visit, Kashmiri Muslims expressed a genuine feeling of regret over the migration of Kashmiri Pandits and urged us to stop and reverse it. Encouraged by the popular mood, we formed a joint committee of the two communities with the former chief justice of the High Court, Mufti Bahauddin Farooqi, as president, the Kashmiri Pandit leader, H.N. Jatto, as vice-president, and a leading advocate, Ghulam Nabi Hagroo, as general secretary, in order to allay the apprehensions of the Kashmiri Pandits. Jatto recalled that the Pandits had reversed their decision to migrate in 1986 after the success of the goodwill mission led by me. He expressed the hope that my new initiative would meet with similar success. A number of Muslim leaders and parties, including militant outfits, also appealed to the Pandits not to leave their homes. Jatto welcomed and endorsed their appeals, but soon migrated to Jammu himself. He told me that soon after the joint committee of the prominent members of the two communities was set up, the governor sent a DSP to him with an air ticket for Jammu, a jeep to take him to the airport, an offer of accommodation at Jammu, and advice to leave Kashmir immediately. Obviously, the governor did not believe that the effort at restoring inter-community understanding and confidence was worth a trial.

The experiment came under fire from all sides. The official attitude was far from cooperative. The rise of new militant groups, some warnings in anonymous posters and some unexplained killings of innocent members of the community contributed to an atmosphere of insecurity for the Kashmiri Pandits. A thorough, independent enquiry alone can show whether this exodus of Pandits, the largest in their long history, was entirely unavoidable.

The physical distance between the migrant Pandits and the Kashmiri Muslims also reflected the mental distance between them. The communal elements in both the communities seized the opportunity to make a desperate bid for enlarging this distance into an unbridgeable gulf. Hindu communal forces exploited the plight and frustration of the migrants to effectively whip up an anti-Muslim frenzy amongst a section of Pandits. A statement made by me in mid-March 1990 to the effect that I found no hostility among common Muslims

in Kashmir against the Pandits, and that allegations of gross violation of human rights by the security forces needed an impartial probe. This provoked this section so much that they held demonstrations against me and burnt my effigy at Jammu.

The Muslims of Kashmir were hurt by a sweeping campaign of vilification against the whole community. Just as many Pandits tended to believe that Muslims could not be loyal to the country, many Muslims tended to believe that the Pandits could not be loyal to Kashmir, that every Pandit could be a *mukhbar* (informer). Militants could use this suspicion as a basis to kill Pandits. Many Muslims further believed that the Pandits were encouraged by the government to migrate to facilitate its genocidal designs. Rumours were also spread that Pandit youths were getting militant training and would return to start a counterinsurgency movement in Kashmir.

Two incidents of bomb blasts involving Pandit youths were used to malign the entire community in Jammu and Kashmir. The two youths were injured in a blast in the RSS office while allegedly assembling a bomb. One Pandit was killed and another injured in an abortive attempt to blow up an examination centre. The RSS and BJP leaders paid tributes to them. The state government in its order banning the RSS, following a similar ban in the rest of the country after the demolition of Babri Masjid on 6 December 1992, specifically mentioned these incidents as additional grounds for the ban. Leading members of the migrant community immediately disowned the action and leaders in Jammu condemned attempts to malign the whole community for the action of isolated individuals.²⁷ The government did little to counter rumours. Some Kashmiri Pandit organisations published exaggerated figures of Pandits killed by militants which exceeded the official figures of the total number of casualties.²⁸ The government never contradicted the former figures. The Press Council committee further observed that 'Much disinformation is being spread in Jammu and Delhi that scores or hundreds of Hindu temples and the shrines have been desecrated or destroyed in Kashmir. This is completely untrue and it is baffling that the government has not thought fit to ask Doordarshan to do a programme on *mandirs* in Kashmir just to reassure people that they

remain unharmed.'²⁹ Moreover, while there is evidence to the effect that many Muslims took pains to guard the houses left vacant by their neighbouring Kashmiri Pandits, such information was rarely reported.

Whatever be the precise share of responsibility of the government and the different political groups in vitiating communal relations, it did seem at one stage that the Kashmiri personality was so split that one part was swayed by the Hindutva wave while another was submerged by Muslim fundamentalism.

RE-ASSERTION OF KASHMIRIAT

This must have persuaded Pakistani policy makers to conclude that the JKLF, which had pioneered the militant movement with the slogan of *kashmiriat*, had become redundant. The Front chief, Ammanullah, regretted that Pakistan, which had earlier helped his militant outfit, had 'now put a squeeze on the flow of arms to the JKLF. They have been creating difficulties in transporting the material.'³⁰ He alleged that the 'terrorist organizations funded and motivated by the Inter-Services Intelligence (ISI) of Pakistan included the Hizbul Mujahideen, the Allah Tigers, the Muslim Janbaz Force, the Pasdaran Inquilab-e-Islami and the Ikhwan-ul-Musilmeen.'³¹

The JKLF circles also accused the pro-Pakistan elements of providing clues to the Indian security forces regarding JKLF whereabouts, which made them further vulnerable to attacks. Several JKLF activists were killed in a number of 'encounters', and many top leaders were arrested. The security advisor to the governor, Jameel M. Qureshi, claimed that the JKLF had been wiped out.³² Ammanullah also complained at a press conference in Islamabad in December 1991, that 'the pro-Pakistan Hizbul Mujahideen was killing JKLF workers.' According to an official report, 'inter-militant gang clashes became very frequent in which at least 14 persons were killed in early 1992.'³³

The cold war between the JKLF and Pakistan, ever since the latter switched its support to pro-Pak militant outfits, culminated in Ammanullah's two bids to lead a march from Pakistan-occupied Kashmir (PoK) across the line of actual control. Pakistan forcibly prevented the march on both occasions—killing 12 marchers on 11 February, and

arresting Ammanullah and 500 of his colleagues just before their second attempt on 30 March.

Meanwhile, the Kashmiri Pandits gradually felt a renewed urge to maintain their *kashmiriat*. Migration had meant not only a possible loss of their homeland but a threat to their Kashmiri identity. It was clear to the migrants that other Hindu communities were keen on retaining their ethnic identity as distinct from an all-embracing Hindu identity. Even the Dogras of Jammu, who sympathised with the migrants, were unwilling to dissolve their own ethnic identity within a larger Hindu identity.

Moreover, Pandits were not the only migrants. An officially estimated 20,000 Muslim families from the valley had been forced to migrate, and a far larger number of Muslims killed by security forces and militants.³⁴ It was time to realise that suffering ought to unite those who suffered, not divide them against each other.

But stronger contrary forces were also at work. Apart from the interests of the Pakistani sponsors of militancy in the state, militancy could spread to non-Kashmiri speaking Muslim communities and areas only if its *kashmiriat* content was diluted and it was further Islamised. That way it could attract non-Kashmiri recruits also.

What added to the process of communal polarisation was the inability of the Indian State to appreciate the genuine aspirations of Kashmiri identity and distinguish them from their often fundamentalist expression. Much damage had already been done by the excesses of the early phase of counterinsurgency operations.

7

Of Human Rights

The foregoing account of the early years of the insurgency movement in Kashmir brings into focus the critical importance of the issue of human rights—an issue that had, meanwhile, resurfaced on top of the political agenda of the world at that time.

Reflecting the new international mood, the retiring UN Secretary General Perez de Cuellar, observed in his annual report in the last session of the General Assembly in 1991:

Human rights have now become one of the keystones in the arch of peace... It now involves a more concerted exertion of international influence and pressure through timely appeal, admonition, remonstrance or condemnation and, in the last resort United Nations presence, than what was regarded as permissible under traditional international law. It is now increasingly felt that the principle of non-interference with the essential domestic jurisdiction of states cannot be regarded as a protective barrier behind which human rights could be massively or systematically violated with impunity.¹

With the issue of Kashmir and human rights so focussed in the world's eye, the contention of the then Indian Foreign Minister, Madhavsingh Solanki, did not evoke any support when he said, 'Any outside intervention in a member country on humanitarian grounds constitutes an abridgment of national sovereignty and is, therefore, fraught with serious implication.'² The French Foreign Minister Roland Dumas

asserted that on the issue of enforcing human rights the United Nations is 'too much of a Grande Dame now to tolerate a lack of respect.' For developing countries, the 'age of alibis is over,' declared the British Foreign Secretary Douglas Kurd. The Russian Foreign Minister observed that 'every state delegates, as it were, a fraction of its sovereignty in the matter of human rights.' Japan's Foreign Minister Taro Nakayama said his government would extend external aid, with special attention to 'the situation with regard to securing basic human rights.'³

Pakistan, which had failed to enlist much international support on other aspects of the Kashmir problem, was able to make the violation of human rights the main plank of its diplomatic offensive on Kashmir against India. The world press, human rights organisations like Amnesty International and Asia Watch, the UN human rights committees and governments of many countries, particularly of the West, took cognisance of the human rights abuses in Kashmir. The US House of Representatives observed on 13 June 1991:

In Kashmir, a widespread breakdown of the legal system is known to have occurred... it shall be the policy of the US government and be a guiding principle for the president that the Government of India should take significant steps to improve human rights by allowing unrestricted access to internationally recognised human rights organizations, fulfilling recommendations of the UN Human Rights Committee... making significant progress in curbing human rights abuses committed by its security and police forces.⁴

On 8 September 1993, the United States Senate unanimously expressed concern over the human rights violations in Kashmir and catalogued the excesses committed by the security forces against civilians.⁵ The European Parliament expressed similar concern over violation of human rights in the state. Its delegation, which was denied entry into Kashmir, conveyed its concern to the Government of India on the subject.

A REGIME OF TERROR

The enlightened public in the rest of the country remained ignorant of the nature and extent of human rights violations in the initial phase

of insurgency in 1990. Apart from the unofficial censorship imposed by the government, there was also a self-imposed censorship that stemmed from so-called patriotic considerations. Human rights and civil liberties organisations had ignored the complaints of excesses committed by the Indian security forces until Inder Mohan and I released our brief report to the press in the second week of March. Expressing our anguish over what we had seen and heard, we observed, 'our immediate impression is that basic human rights, civil liberties, legal norms and civilized values have been grossly violated by the security forces and administrative authorities in dealing with the situation on many occasions.'

Our report was initially received with hostility in the rest of the country. However, this hostility mellowed as more facts and their implications became known. Many human rights teams and independent groups visited Kashmir after April 1990, thus breaking the conspiracy of silence on the issue of human rights violations.

The press in general, after its initial hesitations, started reporting regularly about the atrocities committed by the security forces. Some of these reports were well-documented. The video magazine *Eyewitness*, for instance, featured a horrifying tale of torture by the security forces. Though it was censored by the government, its contents were reproduced by the print media.⁶ The judiciary, too, set aside many executive orders that arbitrarily and unlawfully curbed the civil liberties of the people, though its verdicts were often circumvented. The Jammu and Kashmir High Court expressed its helplessness against the police agencies and the administration which 'were committing all sorts of illegalities' that would put even 'criminals and terrorists to shame.' While passing an interim order on a public interest litigation against the alleged maltreatment of detenus, Justice S.M. Rizvi said, 'Hundreds of cases have been brought to my notice where the detenus are in illegal detention. Despite the strong directions of the court, they are not being released.' He observed that in hundreds of cases pending before the court, the whereabouts of the detenus were not known. 'In short there is a total breakdown of law and order machinery,' Justice Rizvi said and added, 'even this court has been made helpless by the so-called law

enforcing agencies. Nobody bothers to obey orders of this court.⁷ Almost all the major political parties, barring the BJP, raised the issue of the violation of human rights in Kashmir. Rajiv Gandhi accused the security forces of running berserk. Chandrashekhar, during his tenure as prime minister cautioned them to observe restraint. V.P. Singh, in his turn as prime minister, publicly advised them more than once to discriminate between the militants and the local population. Subodh Kant Sahay, minister for home affairs in Chandrashekhar's government, admitted that 'some shameful incidents took place for which a record number of security personnel have been suspended.'⁸ Rajesh Pilot, minister of state for internal security, expressed his 'anger and anguish' over custodial killings that went on 'without any check.'⁹ Prime Minister Narasimha Rao disclosed that action had been taken against 230 officials of the security forces in Jammu and Kashmir to send a 'clear message that we do not tolerate human rights violations.'¹⁰ The left parties were more vocal on the issue of human rights. The governor of the state, G.C. Saxena, too admitted that excesses committed by the security forces caused a major setback in the process of normalisation in Kashmir.¹¹ The BJP generally condemned any criticism of the security forces as anti-national. However, its vice-president, K.L. Sharma, criticised the killing of civilians by security forces when militants attacked Rajesh Pilot during his visit to Srinagar in the first week of May 1992.¹² Atal Behari Vajpayee had also admitted in a seminar on Kashmir held in Delhi on 12 August 1990 that the excesses of the security forces were counter-productive.

The report of the Press Council panel, signed by B.G. Verghese and Vikram Rao, quoted earlier, succinctly interpreted the human rights violations in Kashmir in the following words:

Human rights cannot be safe in [the rest of] India if they are trampled upon and remain unpunished in Kashmir. Such violations are brutalising and threaten the democratic edifice of the country. More precisely, far from subduing aggrieved communities, Kashmir in this case, they can only alienate them further, especially if their women are dishonoured and their collective psyche is hurt.

The panel, therefore, recommended that:

Every body at all levels must be sensitised to the supremely important aspect of correcting human rights errors and winning and maintaining confidence and trust... Indian human rights groups must continue their watch dog role in Kashmir. This is a strength.¹³

There are several reasons for continued lapses by the security personnel. If they were accused not only by the BJP but even by the People's Union for Civil Liberties (PUCL) of having committed excesses on the *kar sevaks* at Ayodhya, with whose cause it was supposed to sympathise, it could not be expected to deal in a gentle manner with the supposedly 'anti-national Muslims' of Kashmir. The Indian public, whose conscience was so disturbed by the blindings of criminals in Bhagalpur or the branding of pickpockets in Amritsar by the police, was not so sensitive when the victims were non-criminal, but 'anti-national', Kashmiri Muslims.

Thus, many a jawan has pressed a trigger on hearing an anti-India slogan or seeing a desecration of the national flag, without realising that a democratic country like India should tolerate non-terrorist and peaceful expression of secessionist ideas.

The most outrageous cases of human rights violations are those in which unarmed and innocent persons are killed without any provocation—verbal or physical. A distinction needs to be made between the use of force, however excessive, in an encounter or killings in cross-firings and unprovoked killings. In Chota Bazar, Srinagar, for instance, the CRPF jawans went on a killing spree on 11 June 1991, on hearing about the death of a colleague in a distant area. The governor regretted the incident and his advisor admitted that the incident had 'absolutely no justification.'¹⁴

To argue that the security forces work against heavy odds and hence get fatigued, both physically and mentally, by the nature of their duties, is to state the obvious. Although it is an explanation that might help in finding remedial measures, it is not a justification in itself, for working under similar circumstances, all security forces do not always behave in such a manner. It would be unfair to tar all of them with the same

brush. Outstanding cases of restraint, discipline and public rapport must be rewarded and examined so that they become the objects of emulation elsewhere.

Another justification often cited for the excesses of the security forces is that the militants commit worse excesses. The militant cause has suffered precisely on account of their excesses. Why then should the security forces imitate them to damage their image and that of the nation? Why should a law enforcing agency compare its conduct with those who defy the law? And how do two wrongs make a right?

It is indeed intriguing that major violations of human rights took place when the situation seemed to be improving. In May 1990, the wrath of the people against the militants suspected of being responsible for the murder of Mirwaiz Maulvi Farooq, was diverted against India when security forces fired on Farooq's funeral procession. In April 1991, when Pakistan curtailed arms aid to the JKLF and one of its leaders was killed by a pro-Pakistan militant outfit, there were spontaneous anti-Pakistan demonstrations in Srinagar. But the anti-India upsurge created by the unprovoked killing spree at Khanyar and Chota Bazar submerged these anti-Pakistan feelings. Similarly, the anti-Pakistan sentiment following the clashes of Amanullah's group with Pakistani security forces during their bid to cross the Line of Actual Control on 11 February and 30 March 1992, was counterbalanced by a series of unusual custodial deaths. According to a writ petition filed in the State High Court by the human rights activist, H.N. Wanchoo, custodial deaths ranged from 15 in July to 30 in November 1992.¹⁵ A former advisor to the state governor, Ashok Jaitley, charged that he had failed to find out anything (from official records) about 81 missing people.¹⁶ Expressing concern over the way the government flouted the High Court orders on habeas corpus petitions on behalf of 16 missing persons, Justice R.P. Sethi observed: 'It would endanger the institutions of judiciary.'¹⁷ The Sopore outrage on 6 January 1993, which, according to the official version, took a toll of 40 innocent lives, was the BSF's response to reported moves of the government to initiate what it called a political process in the state. Again, when the peaceful manner of resolving the crisis of Hazratbal—the most sacred shrine of the Muslims

in the valley—where holed-up militants were besieged by the army, had won appreciation the world over, the killing of 40 persons by the BSF during a demonstration in Bijbehara on 22 October 1993 partially undid the good work of the army. Similarly, 18 were killed in firing on civilians by the army at Kupwara on 27 January 1994, on the eve of the UN conference on human rights at Geneva. It has been argued by the official sources that some of the incidents were deliberately provoked by the militants or their masters in Pakistan and timed to embarrass India. But why should Indian security forces always fall into their trap?

As the lapses of the security forces were exposed by the national and international human rights groups and as the national media and foreign countries voiced their concern and protest, some awareness developed within India about the damage caused by such lapses to the national interest. The Government of India initiated a number of moves to discipline the security forces. The appointment of the National Human Rights Commission (NHRC) in 1993 was one of them. It took suo moto cognisance of the Bijbehara incident and inquired into the manner in which inquiries were conducted by a local magistrate and the BSF authorities, and its chairman also declared that, if need be, it would associate national and international human rights organisations with inquiries into human rights violations. During its visit to Kashmir, it described the human rights situation as 'very serious.'¹⁸ It, however, failed to inspire the confidence of the secessionist Kashmiri leaders who boycotted its visit. Meanwhile, a course on human rights had been introduced in police and paramilitary academies.

The Press Council report and the statements of some official spokesmen have disclosed that actions have been taken against those whose excesses were proved. But the official inquiries failed to inspire the confidence of the local people or influence international opinion because they were conducted by officers of the security forces themselves, in secret and without involving the public or the complainants. However, for the first time, a sitting judge of the Punjab and Haryana High Court was appointed to inquire into alleged mass killings by the BSF company at Sopore on 6 January 1993. If this precedent is followed,

the confidence of the people in the inquiries and the Indian judiciary may be restored. Much will also depend on how the inquiry is conducted, how long it takes to conclude, and how credible its findings are.

Many inquiry reports were never made public on the plea that they would demoralise the security forces. This logic was refuted by Ved Marwah, who served as advisor to the governor of Jammu and Kashmir for about two years. He asserted that proper punishment has 'a salutary effect on their [i.e. security forces'] morale and discipline.'¹⁹

However, it was officially announced that 174 security personnel were punished, including 74 with imprisonments ranging up to ten years, till May 1994. The charges against them included wrongful confinement of a person, manhandling, indiscriminate firing in residential areas, rape and attempt to rape. According to another announcement by the DGP, 204 cases of human rights violations were registered against BSF personnel, out of which 39 were suo moto cases.²⁰

One of the most sensitive issues is how women are treated during security operations. The allegations of molestation and rape enrage people. Such incidents lower the morale and legitimacy of the security personnel as nothing else does. Action against offenders has been taken in some cases. Two BSF jawans were dismissed for raping a bride and her friend in Anantnag.²¹ The alleged rapists of a Canadian woman near Dal Lake in Srinagar were punished; so were those who raped four women at Hillar village. A criminal case was registered against army jawans stationed at Shopian following a medical report that established gang rape of four women on the intervening night of 10 and 11 October 1992.²² It is also necessary to deploy women police for searches or any other action involving women. The DGP of the BSF, Anantachari, admitted in 1992 that the BSF did not have women personnel.²³ It was only recently that the BSF decided to form women battalions, and the state police started recruiting women.

1993-94 also marked what the official spokesperson described as operation transparency. In 1993, 6,240 foreigners, including tourists and members of the diplomatic corps, apart from 142 foreign media persons, visited the valley.²⁴ The International Jurist Commission visited

the valley as well as Jammu, including the migrant camps. In 1994, the International Committee of the Red Cross paid a similar visit and ambassadors of European, West Asian and Latin American countries came to India. But the policy of transparency conspicuously denied permission to leading human rights organisations like Amnesty International and Asia Watch to visit the state. Nor did they get official clarifications about all the grave charges of violations of human rights by the security forces.

VIOLATIONS OF HUMAN RIGHTS BY MILITANTS

Greater exposure of foreign diplomats and media to the situation in Kashmir, and regular monitoring by national and international human rights activists—besides the interests of the mainstream parties—forced the Government of India and the security forces to grudgingly realise that repressive measures cannot ensure victory in the battle for Kashmir; winning the battle of hearts and minds was also important. The security forces began to dispense welfare services to the Kashmiri people in their attempt to put across a human face. Moreover, several inquiries into violations of human rights and public trials in open courts were held, followed by dismissals and imprisonment of the guilty. Chief Minister Ghulam Nabi Azad claimed on 22 December 2005 that there were no custodial killings during his first 50 days in office.²⁵ Within one month, however, an alleged case of custodial killing took place in Anantnag, and the chief minister immediately ordered an inquiry. But one still needs to ask why, unlike in most other states of the country, J&K is not required to report cases of custodial killings to the National Human Rights Commission within 24 hours? Again, why were the powers of the State Human Rights Commission, which was set up in 1991, curtailed by an amendment in 2002? The state government has now assumed powers to appoint and transfer its staff. The services of an investigation officer have been withdrawn. The Commission has protested against subjecting its reports to further investigations by Deputy Commissioners and against the practice of not informing it or the state assembly of action taken on its reports.²⁶ Another matter of concern is of missing persons, who numbered 2,250 on 1 October

2001, according to government figures. Non-official sources put the number much higher.²⁷ While much more needs to be done to improve the human rights record of the government, excesses of the militants grew faster.

Several media persons connected with the government-owned TV channel and the information department were killed. Later, non-official independent journalists also became victims of the wrath of the militants. Subhan Vakil, editor of *Al Safa*, was gunned down. A journalist Parvez Mohammad Sultan, editor of a local news agency, was shot dead.²⁸ A grenade was thrown on the office of the BBC correspondent, Yusuf Jamel (who was kidnapped a year ago by the army and later released). The *Indian Express* correspondent, George Joseph, was ordered to leave Kashmir. The PTI correspondent, Ali Mohammad Sofi, was warned against reporting on the Kashmir situation. A fine of one lakh rupees was imposed on the *Srinagar Times* as well as *Al Safa* for not publishing the statements of the militants. Ikhwan-ul-Musilmeen announced a ban on the daily, *Aftab*, for 'deliberately publishing anti-movement news.'²⁹ The Jamiat-ul-Mujahideen locked the offices of the *Srinagar Times* and the *Al Safa* in retaliation for the publication of notification for the revision of electoral rolls. The Jammu and Kashmir Freedom Front and three other militant outfits banned the publication of eight local dailies. However, the Al-Mujahideen appealed to both the Jamiat and the JKFF to lift the ban. The JKLF also opposed the ban. The papers resumed publication after the intervention of the Hurriyat Conference. *Srinagar Times* and *Al Safa* also resumed publication after two months with an apology for their anti-movement action and a vow never to do so in future. Mercifully, most of the threats were not actually carried out.³⁰

The America-based human rights organisation, Asia Watch, which is unsparing in its criticism of the human rights abuses by the Indian security forces, also took the militants to task. It drew a distinction between members of the security forces who were killed and wounded by the militants and the non-combatants who were killed, wounded or threatened with death. According to Asia Watch, attack on non-combatants violates international human rights and humanitarian law.

It observed:

The militants have used their increased military and political power to engage in abuses against the civilian population. These groups have systematically violated international humanitarian law by engaging in summary executions, kidnappings, threats and assaults on civilians.³¹

The new brand of militants tended to be more fanatic, brutal and desperate due to transformation of the movement, as pointed out above, from Kashmiri nationalism to religious fundamentalism. They started targeting non-Muslim communities directly. Some of the glaring cases of massacres of non-Muslims, where the death toll exceeded 20, included: killing of almost the whole population of Kashmiri Pandits (23 out of 24) in Wandhama in Ganderbal area near Srinagar on 25 January 1998³² who had not migrated earlier; 29 Hindus killed, including 12 children, in Mahore tehsil of Udhampur district; 25 Hindus of a marriage party killed at Chapnari near Doda on 19 June 1998,³³ 35 Sikhs killed in Chhatisingpora village of Anantnag on 21 March 2000;³⁴ 20 killed in Kishtwar on 22 July 2001;³⁵ 100 killed in militant strikes against Hindus in various parts of the state on 1 and 2 August 2000, supposedly to sabotage the move for ceasefire between Hizbul Mujahideen and the Government of India by rival groups;³⁶ 34 killed and 47 injured in Kaluchak near Jammu city on 4 May 2002;³⁷ 25 killed in a militant strike at Rajiv Nagar in another suburb of Jammu city on 13 July 2002;³⁸ and 24 Kashmiri Pandits gunned down in Nadimarg in Pulwama district on 25 March 2003,³⁹ and 31 Hindu civilians massacred in the Doda and Udhampur districts of the Jammu region on 1 June 2006.⁴⁰

In all such cases, the only crime of the killed persons was that they were either Hindus or Sikhs. Other incidents in which the death toll was less than 20 were often more brutal and, in many instances, more provocative. These include two attacks on Raghunath temple, the largest Hindu temple in the state located in the heart of Jammu city—first on 20 March 2002, killing eight persons,⁴¹ and again on 25 November 2002, killing ten.⁴² Another provocative act was the fidayeen attack on the state assembly on 1 October 2001, in which 31 persons, both

Hindus and Muslims, were killed.⁴³ Muslims are also being killed for being suspected informers (to the security forces) and members of mainstream political parties or their relatives. Fifteen members of civic bodies (or their relatives), the elections to which were held in May 2005, were killed in the Kashmir valley. Unintended killings of civilians were also caused by grenade attacks by the militants that missed the target (army post or convoy) and killed innocent passers-by. Two incidents that caused widespread protests within and outside the state were the grenade attack near Tyndale Bisco School in Amirakadal in Srinagar and one near a school building in Pulwama on 12 May⁴⁴ and 12 June 2005 respectively.⁴⁵ In the latter case, 16 people were killed and over 100 injured.

Perhaps, due to hostile reactions to such actions of the militants, there was a lull in their activities for a while. But, lest impression should spread that the militancy had declined, it registered its presence by a series of attacks, the main victims of which were civilians, either deliberately or inadvertently. Soon after the earthquake of 8 October 2005, the worst in over a century in Kashmir, when the attention of the armed forces was diverted to relief operations and when the United Jihad Council led by Syed Sallahudin had announced suspension of its operations, a series of killings started. On 10 October, ten persons belonging to two families in Rajouri district were slaughtered.⁴⁶ 8 Nepalese labourers were gunned down in Kulgam and the attacks on tourists and Amarnath pilgrims were resumed, killing innocent civilians. Massacres in Doda and Udhampur also followed the quake.

On 18 October, Fidayeen killed Education Minister and PDP leader, Ghulam Nabi Lone, and a few days later, workers of the National Conference, Congress and CPM were also killed.⁴⁷

Apart from targetting civilians for their religious and political beliefs, the militants did not spare dissidents in the rank of the separatists or among their sympathisers. Prominent among them included Mirwaiz Maulvi Farooq, Dr A.A. Guru, human rights activist Hirday Nath Wanchoo, Prof Abdul Ahad, Mirwaiz of South Kashmir Qazi Nisat Ahmad, Abdul Ghani Lone, Maulvi Mushtaq Ahmad (uncle of Mirwaiz Umar Farooq) and Peer Hassam-ud-Din (close associate of Syed Ali Shah Geelani).

Significantly, Amnesty International amended its charter in the fall of 1992 to take cognisance of the violation of human rights by armed opposition groups, the militants. It specifically appealed to armed groups 'to respect humanitarian law standards that prohibit attacks against civilians.' In advance of the fourth and final phase of voting in India's parliamentary elections on 10 May 2004, Amnesty International appealed to armed groups (militants) in Jammu and Kashmir 'to respect humanitarian law standards that prohibit deliberate attacks against civilians. Violence or the threat of violence must not be used to intimidate voters, election workers or candidates.'

Amnesty reported a number of attacks by the militants on polling stations, poll rallies, election workers and candidates. 'For example, on 8 April, a bomb was thrown at an election rally in Uri killing 11 people and injuring 70 others... In the most recent phase of voting on 5 May, suspected militants reportedly attacked two dozen polling booths, having one person dead and 35 injured. In all cases militants outfits owned the responsibility.⁴⁸ Ever since Amnesty has reported regularly incidents of attacks on civilians by the militants also.

In a report circulated on 4 May 2006, Amnesty International observed that while human rights violations by state agents had declined, violence by armed groups (militants) had not decreased substantially. It held them responsible for the mass exodus of Hindus from the valley and killing 350 Hindus and Sikhs in the past six years.⁴⁹

Taking note of local and international opinion, the Jamaat-i-Islami leader, Syed Ali Shah Gilani, appealed to all militant outfits for the unconditional release of all hostages. He appealed to the militants in 2005 'not to kill innocent persons as killing of an innocent person is the killing of entire humanity.' He said 'killings [of innocents] are un-Islamic.'⁵⁰

Echoing the same feeling, a spokesman of the Hizbul Mujahideen said, 'random kidnappings not only give our movement a tag of terrorism on the international level but are also creating problems for the people on the local levels.'⁵¹ Several militant groups have condemned the incidents of extortion, molestation of women and what they call unjustified killings.

The militants lost some of their original élan due to a number of reasons: including continuous proliferation of groups, confusion and division in their ranks regarding their ultimate objective, and Pakistan's changing policy towards different groups of militants. Gradually, their ranks were infiltrated by anti-social elements. The Hizbul Mujahideen expressed deep concern over the activities of some gun-wielding youth who were harassing the innocent people, kidnapping local officers and threatening intellectuals, besides interfering in the working of government offices. Syed Salauddin, chief of the Hizbul Mujahideen and chairman of the United Jihad Council, expressed concern over the grenade explosions that caused civilian casualties. He had reports that suggested that Mujahideens were also behind such attacks. He urged them to focus their attacks on the real targets, because 'every Kashmiri is our asset and we cannot afford to earn misgivings of our friends, sympathizers and leading lights.'⁵² After the grenade attacks near school buildings in Amirakadal, Srinagar, and in Pulwama, the Hizb advised militant groups to avoid the use of grenades in populated areas.

'After targetting just about everybody else, militant groups in Kashmir,' according to a press report, 'now started turning on each other.' The sources said that 'the Hizbul Mujahideen and Lashkar-e-Tayyeba have taken to killing, kidnapping and even stripping each other.' The Hizbul is against the LeT targetting school children and civilians. It has imposed restrictions on the LeT because of the organisation's disregard for local sentiments and misbehaviour with women. The Hizbul chief is believed to have instructed foreign cadres of militant groups to take clearance from senior commanders whenever civilians have to be targets. Terrorist leaders have warned that 'flouting these orders will invite the wrath of the Pakistan-based United Jihad Council.'⁵³ An incident of torture and rape of one Mariam of Doda by Harkat-ul-Mujahideen led to a feud between the local Hizbul and foreign militants. Hizbul cadres, according to a radio intercept, told their commanders that 'they will not spare the Lashkar's and Harkat's men for the treatment meted out to their woman.' The Lashkar militant replied, 'You fellows are too soft. We know Mariam was not an informer, but her brother was.'⁵⁴

The militant movement reached a stage where, like in any other violent revolution, it started eating its own children. A number of prominent separatist leaders fell victim to the bullets of the militants of rival camps.

The above incidents of human rights violations by the security forces and the militants are in no sense exhaustive. Nor are these meant to apportion comparative blame. Firstly, these incidents show how the common people—uninvolved, unarmed and innocent civilians, including children and women—have suffered during the militancy. Secondly, these underline the vital fact that such violations prove counter-productive and harm the interests of those who indulge in them.

The cause of Kashmiri militancy suffered in terms of loss of both local and outside support as well as degeneration of its ranks. Meanwhile, there was a drastic change in international opinion regarding violent militancy after 9/11 when terrorists brought down the World Trade Towers in New York. Kashmiri militancy, henceforth, came to be categorised as a part of international terror, which was considered not only a threat to India but also to the world peace. Pakistan had to officially disown it and some of the militant outfits were banned in that country.

Whatever the reasons that pushed the Kashmiri Muslim youth towards militancy and despite their compulsion to resort to violence for the achievement of their objective, gradually the law of diminishing returns started operating on the militant movement in Kashmir. A number of reasons precipitated the process. Popular participation and enthusiasm declined as *Azadi* was no more round the corner as the people were led to believe in the early nineties due to the successful liberation movements in Eastern Europe. Pakistan was no more in a position to openly sustain the movement with the supply of arms and personnel. As a partner in the America-led war against terrorism, it could not openly play a double role, suppressing terrorism at home and exporting it to the Indian part of Kashmir. After 9/11 and 7/7, Kashmiri militants were no more regarded as freedom fighters by international opinion, particularly in the developed world on which Pakistan depends so much, but were now branded as terrorists.

Meanwhile, India opened a political front in Kashmir. Direct central rule in the state ended in 1996 when it was replaced by an elected government headed by Farooq Abdullah. Despite the extremely low voter turn-out in the valley, it provided a civil avenue to the people for the redressal of their day-to-day problems. Elections in 2002, with greater popular participation, returned a coalition government headed by the People's Democratic Party leader, Mufti Mohammad Sayeed, and supported by the Congress, CPM, Panthers Party and Democratic People's Forum. It was the first occasion in the state when the people changed the government through the ballot. Syed Ali Shah Geelani accused the constituents of the Hurriyat for taking part in the elections as an explanation for the higher turn-out of voters.⁵⁵

The campaign to boycott polling, which was launched by the secessionist parties and the militants, became almost totally ineffective by 2005 when municipal elections were held. Despite attacks on election rallies, polling booths and candidates (some of whom were killed), the voter participation recorded a new high, especially of women, for whom one-third of the constituencies had been reserved for the first time.

Four by-elections to the state assembly on 24 April 2006 set an unprecedented record of 69 per cent polling. What is more important is that neither did the militants disturb the polling process or attack the candidates, election rallies or polling booths nor was there any allegation against the security forces for coercing the people to vote.

Conceding that the voter turnout was unprecedented, Syed Ali Shah Geelani, said 'it was the direct effect of Pakistan President General Musharraf's U-turn on Kashmir. Mirwaiz Umar Farooq, leader of the moderate faction of the Hurriyat, conceding that the mass turnout of the voters was voluntary defended the right of the people to exercise their franchise. He said, if they pay taxes, they have a right to elect representatives to see that the money is in the right hands.⁵⁶

GOVERNANCE AND DEVELOPMENT ASSUME IMPORTANCE

The percentage of voter participation is not an accurate measure of pro-India feelings in the valley. But it surely underlines the trust of the

voters in the ballot as a means to elect and change the government and the realisation on their part that problems of governance, development and civic issues cannot be postponed till the 'Kashmir problem' is finally resolved. It is to this extent that the appeal of militancy has lost its urgency.

A well-organised opposition party—the National Conference, which emerged as a single largest party in the assembly—provided an outlet to the discontent of the people, which otherwise used to feed the militant movement. In fact, both the National Conference and the ruling People's Democratic Party competed with each other in taking up popular issues, including appealing to the Centre to start dialogue with the separatists and to agree to a ceasefire with the militants. Farooq Abdullah, the patron of the National Conference, warned the Centre against imposing any solution of the Kashmir problem 'through groups who have been paid huge amounts by the intelligence agencies.'⁵⁷ Mehbooba Mufti, the PDP president, asked for withdrawal of the Indian forces and demanded that the security of the state be handed over to the state police. She supported Musharraf's proposal for self-rule in the state and joint Indo-Pak control over the state in the matter of foreign and defence affairs.⁵⁸

In case of human rights violations by the security forces, the mainstream parties now protest as vocally as do the separatist leaders. Thus, anti-state government and anti-Centre sentiments are being separated from anti-India sentiments, whereas it was this combination that used to ensure popular support to the militancy. No wonder, the Hurriyat complained that their entire agenda was being hijacked by the pro-India parties. The Hurriyat, on the other hand, started raising non-secessionist issues like protests over shortage of power and day-to-day problems of the people, which were so far in the exclusive domain of the mainstream parties. The difference between the moderate separatists and the mainstream parties was further obliterated when the May 2005 invitation to the former by the Pakistan government to visit their country was followed by a similar invitation to the latter a few months later.

DIFFERENCES BETWEEN MILITANTS AND POLITICAL LEADERS

When the insurgency started in 1990, almost every important separatist leader had his own militant outfit. Gradually, Pakistan brought these outfits under its control through the machinations of the ISI. Later, some of the outfits became independent of Pakistani control. Even Hizbul Mujahideen, the leading militant organisation today, became critical of General Musharraf's flexible policy on Kashmir. Its chief, Salauddin, warned Pakistan that its weak policy may even lead to a 'Azad Jammu and Kashmir' slipping out of its hands.⁵⁹ However, in a sudden volte face, the Mutihada Jihad Council headed by Salauddin decided to support the idea of 'independent Kashmir and demilitarisation' of the state as the UN resolutions on Kashmir had become irrelevant.⁶⁰

A major handicap of the militant movement in the state was that it had no overground political leadership. Neither was it under the discipline of a local political leadership nor could it discipline various factions of the separatist leaders. Except the faction led by Syed Ali Shah Geelani, all the separatist leaders realised the futility of an armed struggle. Meanwhile, Geelani was isolated after his 2002 split from the Hurriyat Conference, the main conglomeration of the 23 separatist parties, and after he was disowned by the Jamaat-i-Islami, of which he was the most prominent leader. Even Pakistan, which had first recognised him and the Hurriyat faction led by him as the true representative of Kashmiris, later disowned him.

Mirwaiz Umar Farooq, the leader of the larger faction of the Hurriyat, called upon the militants to support the dialogue process. He said that continuing with militancy as the sole means to achieve independence would mean that Kashmiris would have to lay down another 1,00,000 lives. He further held that after 9/11 no movement that resorted to acts of violence could receive international support. 'Hence we call upon our militant leadership to join our efforts aimed at seeking a political settlement of the issue', he said. He added that 'the continuation of militancy will only add to the erecting of more graveyards.'⁶¹ Yaseen Malik's JKLF had given up violence in 1995. He

chided his hosts in Pak-administered Kashmir, which he visited along with the Hurriyat leaders in June 2005, for romanticising the role of the militants. Shabir Shah's People's Democratic Party, while acknowledging the role of militants in reviving the Kashmir issue, conceded that the role of the militant movement was already over. Both did not join either of the Hurriyat factions.

It took less than a decade for the militant movement to fizzle out in the Muslim-majority hilly parts of Jammu region—its northern and western belt, south of Pir Panjal, where it had started three or four years after spreading in the valley. Firstly, because of the ethnic divide between the two regions, Jammu does not easily follow the trends in the Kashmir valley. Secondly, the atmosphere of religious harmony in the region, despite many provocations, blunted the religious appeal of the militants. Thirdly, there was absolutely no separatist overground political leadership in the region. When Ghulam Nabi Azad became the chief minister of the state in November 2005—the first from Jammu and, moreover, a Muslim—the emotional upsurge in his favour almost completely ended whatever support existed for the militancy.

The disillusionment with the armed movement across the LoC is no less pronounced. Sardar Abdul Qayum Khan, the senior most leader of 'Azad Kashmir', for instance, held that 'the worst damage to the Kashmir cause has been caused by the Jihadis. Jihad has no future. It is over.'⁶²

One need not, however, rush to the conclusion that the militant movement would abruptly and completely come to an end. It did have the means to register its presence through some desperate acts. After the hand over of chief ministership on 2 November 2005 from the People's Democratic Party leader, Mufti Mohammad Sayeed, to his coalition partner, the Congress leader Ghulam Nabi Azad—as per their agreement when the coalition came to power in 2002—there was a series of blasts in Srinagar city, which were aimed at the security forces but often missed the target and killed innocent civilians. The blast at J&K Bank headquarters on 16 November killed five civilians and injured more than 56 people.⁶³ The IGP disclosed that over a hundred militants had infiltrated into the state within a month after the earthquake.⁶⁴

What must have boosted the morale of the militants was the opportunity they got in taking over relief work in PoK where the local administration had collapsed due to a far more tragic form of the earthquake. There were also reports that militants took charge of the orphans for training them as future Mujahids.⁶⁵ The American ambassador protested against the active role of around 20,000 militants in the quake-shattered area of PoK. General Musharraf replied that the groups played an essential humanitarian role and will be monitored but not shut down.⁶⁶ But these developments hardly helped the militant groups to revive their role and the expectations of the people from them in Kashmir.

There was universal condemnation of the blasts that killed civilians in this period. In fact, for the first time, even the separatist leaders participated in the condemnation. 'We do not believe in just condemnation but practically want an end to violence at whatever form or level,' said Mirwaiz Umar Farooq, adding that the resolution of the Kashmir issue was not possible without an end to violence in the state.⁶⁷ Yaseen Malik, the JKLF chairman, condemned the blast at J&K Bank and said, 'My heart goes out to the people killed in the blast.'⁶⁸ Syed Ali Shah Geelani, the leader of the rival faction of the Hurriyat who had so far not disowned the role of the gun in furthering the cause of Kashmir, said that 'Hurriyat thinks that blasts should not take place in the markets. And so do the militant organisations.' He, however, did not rule out the role of Indian agencies in the blasts. The spokesperson of the Geelani faction of the Hurriyat said, 'if any militants carry out such acts, it would be like cutting their own legs.'⁶⁹

The Al-Arifeen, one of the four outfits that had opposed the launch of the Srinagar-Muzaffarabad bus service, claimed responsibility for the blasts. Their spokesperson called the media to explain how they missed the target and had to detonate the explosive at an unintended place as the explosives-laden car was stopped by the security forces before it could reach the target.⁷⁰

The militant acts in October-November 2005 could not reduce the growing isolation of the militants from the people. This isolation was evident when hundreds of people took to the streets to protest against the abduction of a local policeman by militants in Kupwara

district. According to the newspaper report, this was the first such protest in fifteen years.⁷¹

On 16 November 2005, Hurriyat leader Umar Farooq, National Conference president Omar Abdullah and PDP chief Mehbooba Mufti, otherwise arch rivals in Kashmir politics, jointly announced their intention to organise a joint rally against violence.⁷² Though it was an announcement made at the spur of the moment in New Delhi where they had attended the Hindustan Times Leadership Summit 2005, it was not without its significance.

The militants continue to get the support of silent overground workers who supply them with information, act as conduits for passing on funds, provide shelter, etc. But they too were getting exposed by the security forces and the intelligence agencies. In any case, they are no substitute for open political support.

However, the degree of popular resentment against actions of the militants would increase by a revival of human rights violations by the security forces, about which the people of Kashmir have become extremely sensitive. After the Prime Minister's announcement at the second Round Table Conference in Srinagar about zero tolerance of human rights violations and the slowing down of Indo-Pak peace process, any excess by the security forces or by the state police provoked much louder popular protests.

Despite occasional violent attacks by militants, violence on the whole continued to decline. 'Civilian fatalities from January to 15 September, 2006, stood at 214. Next year these further declined to 136 in the same period. Whereas 125 Indian soldiers, police personnel and irregulars were killed in January to September 2006, only 86 were lost in combat during the same period in 2007. Though militant fatalities too dropped from 429 to 327, rose from 275 to 313.' The total arrests number of strikes declined from 207 in 1991 to only 12 in 2007 till the end of October.⁷³

The chief minister G.N. Azad expressed the hope that, '2007 may be the first year, since militancy erupted in the state that no case of custodial disappearance has been reported.' Custodial killings too have been cut down to five per cent, he added.⁷⁴

Within a few days of this statement, a teacher was killed by the army in custody in Kupwara allegedly because he refused to stay away from women teachers of his school to shield as demanded by a soldier.⁷⁵ It led to a week-long protest by the people till the government promised an inquiry into the incident.

NON-MILITANT AND NON-SECESSIONIST OUTLETS OF ALIENATION

It is important to recognise that the end of militancy does not imply the end of the alienation of the people of Kashmir. Militancy had, in fact, provided a great outlet to that alienation. Now that this outlet has proved too inadequate, would dialogue provide a more satisfying alternative?

If the Indo-Pak and New Delhi-Srinagar dialogues fail and India's post-militancy plans remain ineffective, what would be the future of militancy? Would its prospects be any better than when it had started? Would the conglomerate of militant groups under the banner of United Jihad Council led by Syed Salauddin remain intact through all its ups and downs? What is the level of control that the ISI would retain over it, in particular over Hizbul Mujahideen, the premier militant organisation of Kashmir? What is the future of Pakistan's political structure?

Irrespective of the impact of such imponderables, the trends since the turn of the century, especially after 9/11, indicate clearly that whatever be the gains of militancy, its costs are becoming increasingly prohibitive. These costs are not only in terms of the physical suffering being inflicted on the people but also in terms of the damage to the professed cause and the loss of local and international support, apart from tearing the moral and social fabric and eroding the unique civilisational values of Kashmir.

Realising this dilemma, M.P. Bhandara, a member of the Pakistan National Assembly, 'proposed a weapon more deadly than terror and far more effective: it is civil disobedience, non-payment of taxes, non-cooperation, a willingness to go to jail in thousands and to bare their breasts to police bullets.' Otherwise, he warned that 'violence is a two-

edged sword' and 'righteousness of a political cause is drowned by sheer ugliness of terror.' Quoting historical experiences, he added, 'terror has seldom achieved its aim and where it has, it has murdered its own children.'⁷⁶ But can the present militant leadership transform itself to play that role as an overground political party, and continue its struggle like the other secessionist parties for any status that they aspire for the state?

There is no indication that militants, trained as they are, can switch over to a contrary method of waging their struggle that requires much greater courage and conviction. It involves change in their basic ideological orientation. It is equally likely that they would become more desperate and extreme in their ideological beliefs and practices. Already a section of them target Hindus and India as their real enemies. They consider their struggle as a part of the worldwide jihad against the infidels for ensuring the domination of Islam. The United Jihad Council (UJC) chairman, Syed Salauddin, threatened that 'if India does not withdraw its forces from Kashmir, the war against them will spread all across India since the militants have the potential to strike in any part of India.'⁷⁷

That they do have the potential to strike anywhere in India was demonstrated by the attack on the Red Fort in 2000, on the Indian parliament in 2001, the series of blasts in Delhi on Diwali eve on 29 October 2005 and in Bangalore two months earlier, the serial blasts on metro trains in Mumbai, Bangalore, Hyderabad, Madegaon Varanasi, Ajmer Sharief and Ludhiana occurred one after the other until 2007, were attributed to Pak-based militants. Though the Hizb disowned the responsibility. Though the UJC had disowned their hand in the blasts, official investigations traced the hand of Lashkar-e-Tayebba behind the blasts. Terrorist blasts do not require a large organisation or local support. Only 3 or 4 persons are supposed to be responsible for most of these Delhi blasts. But strikes in Indian cities have much wider implications than the Kashmir issue. It is doubtful if the people of Kashmir could be so radicalised as to give up their own distinct culture and tradition. It is also doubtful if Pakistan's polity can escape the consequences of a change in the character of militants into terrorist threat to its own

polity and to General Musharraf's survival and whether there would be any scope for what he calls enlightened moderation or the revival of democracy in Pakistan. The Muslims of India—who are larger in number than those in Pakistan—will also treat the emergence of a militant Islam as a threat to themselves.

Essentially, the terrorist brand of militancy will clash with the interests of Kashmiri Muslims, the Pakistani nation and Indian Muslims apart from the armed might of the Indian State.

Thus, the insurgency in Kashmir, which started in 1990 with mass popular involvement, turned first into a militant movement that had links with the anti-India political leadership on both the Indian and the Pakistani sides, and by 2005 had entered a phase in which it was disowned by most of the political leadership on both sides. By then it had assumed a more desperate and ambitious form, with the characteristics of a terrorist movement, but with a reduced role in the politics of the state.

Especially after 9/11, forms of terrorism and methods of dealing with them have become major concerns of strategists and academics in universities and research institutions the world over. But there is hardly any unanimity on even the definition of terrorism among the experts. Schmidt and Youngman, for instance, have cited 109 different definitions, which they obtained in a survey of leading academics in the field.⁷⁸ For a workable definition, use of violence for political ends or liberation movements against occupation should be differentiated from killing of non-combatants and innocent civilians for their religious or political beliefs. Throughout this book, a neutral term of militancy has been used. But by 2005, the movement had begun to increasingly acquire the characteristics of terrorism.

The Government of India will be well advised to allow international human rights organisations like Amnesty International and Asia Watch to visit the state to monitor violations as they have not spared militants for the violations they have committed, at least on a case to case basis. Their reports on violations by the militants would be far more credible than those of the government. Similarly the state Human Rights Commission needs to be strengthened and made fully autonomous.

Moreover there is no justification for not accepting the jurisdiction of the National Human Rights Commission to the state. Every effort should be made to avoid human rights violations by the security forces as the people have developed zero degree of tolerance for even the slightest act of violence. The government should not hesitate to respond to any overture for a dialogue with militants on a limited agenda, to start with, of not killing an unarmed civilian for his/her religious or political beliefs and hold them to the recent commitment of the United Jihad Council after it reportedly signed a statement to abide by the 'fundamental rules protecting the dignity of all human beings...and guided by the rules of the Geneva Convention of 12 August 1949 for the protection of the victims of armed conflicts.

India, too, has now a special responsibility to maintain the highest standard of human rights not only because it has become the largest democracy in the world but also after being elected a member of the Human Rights Council of the United Nations, which has replaced the Commission on Human Rights, on 19 June, 2006, by securing 173 out of 191 votes of the UN General Assembly—the maximum number of votes in the Asian group. India had pledged during election to promote and protect human rights and fundamental freedom for all.

India is on trial in Kashmir where it can honour its pledge and justify its international status. Especially after 9/11, forms of terrorism and methods of dealing with them have become major concerns of strategists and academics in universities and research institutions the world over. But there is hardly any unanimity on even the definition of terrorism among the experts. Schmidt and Youngman, for instance, have cited 109 different definitions, which they obtained in a survey of leading academics in the field.⁷⁹ For a workable definition, the use of violence for political ends or liberation movements against occupation should be differentiated from the killing of non-combatants and innocent civilians for their religious or political beliefs. Throughout this book, a neutral term of militancy has been used. But by 2005, the movement had begun to increasingly acquire the characteristics of terrorism.

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After the Insurgency

The decline of popular support for militancy in Kashmir Valley was accompanied and facilitated by the Indo-Pak peace process. The Kashmir problem, after all, was the major cause as well as effect of the tensions between the two countries.

The process took a somewhat smooth turn after several abortive attempts. The bus journey to Lahore in early 1999 led by the then Indian Prime Minister Atal Bihari Vajpayee raised extraordinary hopes, more so because he and his party were considered hawks in Indian politics. But these hopes were soon dashed due to Pakistan's misadventure in Kargil in the Indian part of the state. Regulars of the Pakistani army who had infiltrated there in the garb of militants were, however, withdrawn after the intervention of the American President.

The Agra Summit meeting in July 2001 between Prime Minister Vajpayee and General Musharraf, who had taken over as president of Pakistan after an army coup, failed to take off, mainly on account of differences over the relative priority of the 'core issue of Kashmir' or 'cross-border terrorism'. The failure had a serious backlash on the relations between the two countries. Meanwhile, after 9/11, when terrorists hit the World Trade Centre in New York, there was a qualitative change in the international attitude towards terror. General Musharraf had to make a major policy change from patronising the Taliban Mujahideen in Afghanistan to joining the America-led war against terror.

It assured India—an assurance that was also meant for America—that Pakistan's soil would no more be allowed to be used for terrorist activities against other countries. However, Indo-Pak relations nose-dived again due to fresh provocations. A number of terrorist attacks, including one on the J&K assembly building in Srinagar and on the parliament building in Delhi, followed by attacks on the family quarters of army men at Kaluchak, killing 30, and later at Rajiv Nagar, a suburb of Jammu city, provoked a very angry reaction in India.

Giving expression to the popular reaction, the Government of India launched its biggest ever peacetime mobilisation of forces on Pakistan's borders called 'Operation Parakram'. The international community expressed grave concern over such exercises in brinkmanship. Combined with the Pakistan president's reiteration of his anti-terrorism stand, this was able to persuade India to withdraw its forces to their usual positions. The two governments realised that a confrontation between them could easily degenerate into regular warfare. War, and especially nuclear war, was no more an option for them.

INDO-PAK PEACE PROCESS

A new era of peace began in the subcontinent after Pakistan declared a ceasefire on the LoC in November 2003 and India reciprocated. It was followed by talks between Vajpayee and Musharraf on the sidelines of the SAARC conference in Islamabad in January 2004 when the two leaders agreed to start a composite dialogue on all contentious issues, including Kashmir.

After the 2004 general elections, a new government in India headed by the Congress leader Dr Manmohan Singh pursued the peace process in the same spirit and was supported by the BJP, the main opposition party, as the latter claimed credit for having started the process. Meanwhile, a groundswell of popular sentiments of friendship between the two countries, particularly across the Indian and Pakistani sides of Punjab, gave a powerful boost to the peace process. It mattered more in Pakistan as Punjabis comprise the bulk of its army, which is the main support base of General Musharraf.

The peace process took a concrete form when the Pakistani president got himself invited to India, ostensibly to attend the India-Pak cricket match. But, before starting his journey in April 2005, he set his agenda for talks with Delhi as 'Kashmir, not cricket'. Manmohan Singh readily agreed to come directly to the most intractable issue between the two countries, but frankly ruled out any change in the boundaries of the J&K state. Musharraf asserted equally frankly that Pakistan would not accept the LoC as a permanent border. A tangible achievement of the talks was the agreement between the two leaders to make 'the borders irrelevant' and the 'peace process irreversible'.¹¹

Seeking more flexibility for himself, Musharraf undermined the role of the people of the state, saying that it would have to be 'confined only to broadly ascertaining their will to set a broad direction, evolving a consensus through debate and discussion.' He said that 'it was for the top leaders of India and Pakistan to take the decision.' According to him, 'you cannot move forward on intractable issues if you involve the people.' He said, 'people need to be guided towards solutions and options.'¹²

THE HURRIYAT SPLIT

It was a significant climbdown for Pakistan from its traditional stand. It did cause some disillusionment in the pro-Pakistan group in Kashmir. Syed Ali Shah Geelani—whose faction of the Hurriyat was recognised as the genuine Hurriyat by the Pakistan government and the media as well as by the Organisation of Islamic Countries (OIC)—termed Pakistan's volte face on Kashmir as a let down. Pakistan soon granted similar recognition to the moderate faction of the Hurriyat led by Mirwaiz Maulvi Umar Farooq, and recommended his nomination to the OIC as the representative of the Kashmiri Muslims. His faction visited the Pakistan part of the state along with the JKLF chief, Yaseen Malik, as official guests. On the eve of their visit, General Musharraf said, 'I feel that the true representative of Kashmiris is APHC [led by Mirwaiz].'¹³

The Mirwaiz faction got similar recognition from the Indian prime minister who invited it for talks on 5 September 2005. The withdrawal of recognition by the Pakistan government and the OIC was a setback for Geelani as it was followed by the withdrawal of support by several

elements from the conglomeration of separatist parties led by him, including the Jamaat-i-Islami, of which he had so far been the most important leader; the Nayeem Khan led National Front; Ghulam Nabi Hubbi's People Conference; a leader of the Shia sect, Agha Hasan Badgami; a group led by Masart Ali, whom Geelani had once declared as his successor; and Itahadul Muslimeen, led by Muzaffar-Rizvi.

The first concrete step taken by the two governments was to start a bus service between Srinagar and Muzaffarabad to 'unite the divided families' between the two parts of the state. But, the response both in the valley and the Pakistan-administered part of the state was quite poor, despite much media hype and the visits of VIPs like Prime Minister Manmohan Singh and Congress President Sonia Gandhi to Srinagar on 7 April 2005, the inauguration day of the bus journey. A total strike in Srinagar on that day was a manifestation of the popular mood. People felt that it was meant to seek a solution over their heads.

Moreover, not many families had been divided by the LoC, except in places like Uri and Tangdhar, which are quite close to it. The Pakistan part of the state is a non-Kashmiri speaking area that has linguistic affinity with both Hindus and Muslims of the Jammu region. There was a powerful demand on both sides of the LoC to open bus routes between Poonch and Rawalakote, Mirpur and Nowshera, and Jammu and Sialkot. These would have connected the people of the Jammu region with those across the LoC. When the Poonch route was opened on 7 November 2005, to facilitate exchange of relief material for victims of the earthquake of 8 October, thousands of people on the Pakistan side had to be forcibly stopped by the Pakistan police from crossing the LoC to meet their relatives. Farooq Sikander, son of the prime minister of 'Azad Kashmir', Sardar Sikandar Hayat Khan, said that 'in our part of the state, there are only a few Kashmiri speaking families who have their relatives in Kashmir while on other hand there are lakhs of separated families who have blood relations in Jammu region.'¹⁴

THE IRRELEVANCE OF BORDERS

The popular ovation received in Jammu by some public figures from the Pakistan part of the state, including Abdul Majeed Malik, a retired chief

justice of the 'Azad J&K' High Court, when they visited it for the first time in August 2005, clearly demonstrated that the natural bonds of common language cannot be long suppressed by mere religious antagonism. It further encouraged the process of moderation between the two countries that had started in January 2004 and proved that the incremental approach was a more practical way out of the decades of hostility. This approach received the endorsement of Sardar Abdul Qayoom Khan, the senior-most leader of 'Azad Kashmir'. During his visit to India in the last week of September 2005, he said, 'the complex Kashmir issue cannot be resolved overnight' as 'no miracles can be worked out overnight.'⁵ Abdul Majeed Malik declared in Jammu that the meeting of people speaking the same language and belonging to the same culture was more important than entering into controversies over the immediate and final solution of the Kashmir problem.

Meanwhile, the utility of short-term gains—like better Indo-Pak relations and the irrelevance of borders—was emphatically demonstrated by events following the worst-ever earthquake in over a century in both parts of the state. The killer earthquake on 8 October 2005 took a toll of over 1,300 lives and rendered 90,000 persons homeless on the Indian side. On the Pakistan side, 73,000 persons were killed and 3.3 million became homeless. The prime minister of 'Azad Kashmir', Sikandar Hayat Khan, remarked that he was ruling over a graveyard. As nothing united people more than their shared grief, the people of India and Pakistan had rarely felt emotionally closer. Indeed, the colossal tragedy proved to be the biggest Confidence Building Measure (CBM) taken so far by the two countries. This was admitted by Pakistan Prime Minister Shaukat Aziz at the Dhaka conference of the SAARC in November 2005. While thanking the countries that dispatched the much-needed aid, Musharraf specifically mentioned Manmohan Singh by name for the help that India had given Pakistan.

The immediate and final resolution of the Kashmir issue ceased to be a top priority for the people of J&K on both sides of the LOC. The same could also be said about the people of Pakistan. The overall atmosphere of goodwill, created by the tragedy and the events surrounding it, was a positive development.

Soon General Musharraf resumed the initiative with some 'out of the box' proposals for the final solution of the Kashmir problem. The last proposal that he disclosed in a press conference was a four-point formula. Initially India did not react to it as 'it had not received the proposal officially.' However Indian Prime Minister, Dr Manmohan Singh, extended a general welcome to all new ideas on Kashmir. It was never discussed by the two governments in a formal way as the proposed visit of Indian Prime Minister to Pakistan did not take place.

An important feature of the Musharraf formula was that it recognised five regions of the state, two on the Pakistan side: the Northern Areas and Azad Jammu and Kashmir, and three on the Indian side: Kashmir, Jammu and Ladakh. It was a departure from his own earlier stand which recognised five regions on the Indian side by dividing Jammu and Ladakh on religious lines. In that sense, the latest proposal was an improvement.

Secondly, the proposal suggested self-rule for the two parts of the state and the regions within them. Though its precise form has not been spelled out, one of the five working groups set up after the second round table conference, is entrusted with the job of working out centre-state and state-region relations. The proposal will, on the other hand, create far more formidable problems for the two regions of the Pakistan administered part of the state.

The real bone of contention could be two other points: one regarding demilitarisation and the other about joint management. How much of the Indian army would remain within the state would be determined by the threat perception, which might include objective and subjective elements. One of India's objections to the proposal was the refusal by Pakistan to include militants from PAK under the joint Indo-Pak anti-terror management to cover terrorist activities in the state, "which was "disputed territory,"⁶

Finally the proposal for the joint management of the state raises more questions than it answers. What kind of machinery would take up the task? What subjects would it deal with? Would it encroach upon the sovereignties of the two countries or upon the subjects, entrusted to the parts of the state on both sides of the LoC? Would it include

joint defence and foreign policy? Would it be possible at the present level of differences between the two countries on these subjects?

The observation of the prime minister of PAK, Attique Ahmad Khan is relevant in this context. According to him, "the concept of joint management need not be defined at this stage as one that would create obstacles in the process." He said, "these concepts would acquire clarity as the process continued."⁷ A more practical way could be to set up an advisory body comprising representatives of the two countries and parts of the state on either side of the LoC to share information and give advice on subjects like environment, national disasters, trade and travel across the LoC.

Musharraf's proposal sharpened divisions in the separatist camp in Kashmir while the Mirwaiz-led Hurriyat almost wholly owned it, his rival Ali Shah Geelani accused Musharraf of showing extraordinary flexibility to please the United States, India and some other countries. The United Jihad Council chief also criticised the Pakistan government's weak and apologetic policy and pointless moderation by some Kashmiri leaders which "had damaged the separatist movement." Geelani supported the UJC's protest against the Pakistan government's shift on Kashmir. But after Salahuddin's reported arrest and release, Geelani accused him of succumbing to pressure from Musharraf.⁸

On the other hand, the valley-based mainstream parties in Kashmir welcomed Musharraf's four point formula interpreted in their own way. According to the PDP, self-rule meant regional federalism which it promised to explain in a blueprint which has not been released so far. Umar Abdullah, president of the National Conference, who had visited Pakistan and met Musharraf, believed that the latter was convinced of the National Conference's stand on autonomy of the state and self rule meant that.

Meanwhile the Indo-Pak peace process slowed down due to various other reasons: first, the inherent difficulty of any government in India to compromise its sovereignty on Kashmir; second, the serial blasts on metro trains in Mumbai, which killed around 200 innocent civilians, and which was traced as the handiwork of Pakistan based terrorists, created a wave of anger in the whole country against Pakistan and opposition

to any dialogue with it. Prime Minister Manmohan Singh salvaged the situation when he met Musharraf in the Havana conference where he said that terrorism posed a threat to both India and Pakistan. Both countries then agreed to set up joint intelligence anti-terror mechanisms.

The Mumbai blasts were followed by terrorist attacks on the Samjhauta Express at Hyderabad, Ajmer Sharief and Ludhiana which vitiated the atmosphere. Pakistan was in turmoil during most of 2007. The Frontier Provinces, Baluchistan, Waziristan and the tribal belt on the north west bordering Afghanistan were already witnessing a sort of violent revolt by Islamic extremists. They demonstrated their presence in Islamabad by controlling the Lal Masjid, which was rescued by the army, killing and arresting the terrorists.

Apart from the threat that Musharraf faced from Islamic extremists, he also received a serious challenge from liberals and civil society when advocates started a popular agitation against the removal of the Chief Justice of the Federal Court, Chaudhary Iftikhar Mohammad. The agitation ended only after he was reinstated. Crisis over the re-election of President Musharraf, legal uncertainty over it and a boycott by the opposition was followed by the bloody reception to Benazir Bhutto at Karachi where 139 of her admirers were killed when she returned to Pakistan on 18 October 2007 after eight years of exile.

There are a number of question marks about the future of Pakistan. Will Musharraf survive the current crisis and with how much political clout? What will the role of the army be? What will the relative strength of Islamic fundamentalist and democratic liberal forces be? The situation in Pakistan was summed up by an American newspaper as the 'most dangerous nation of the world' in the last issue of October 2007. As long as instability persists in Pakistan, any progress in talks with India over the Kashmir problem is unthinkable. Pakistan seemed to appreciate India's position. Its foreign ministry spokesman conceded on 10 October 2007 that 'Pakistan-India relations have never been so good' and that 'it is a very complex relationship and we should not expect results overnight.'⁹

The developments in Pakistan inevitably caused disillusionment among the Kashmiri Muslims. Its capacity to liberate Kashmir from India and sustain an armed revolt in the state had already been exposed.

It now ceased to be a source of inspiration or an attractive alternative to the state's relation — with all its imperfections — with India.

By now people in the valley were also disillusioned with its sharply divided range of political leadership. What were the alternatives available to them? The search for one leader and one party may be in vain. For that age seems to have gone and people must get used to a multi-party system. However it may take time for credible leaders and parties to emerge. Meanwhile the vacuum is being filled by cultural revival and the emergence of a civil society, autonomous of politics. Steering clear of defeatism and desperation, the occasion can be used to start a movement of renaissance, and to correct aberrations that have crept into the social and cultural life of the region in the last few decades and for further improvements in it. The physical and mental rehabilitation of victims of violence, in particular of women and children, of families where the bread earner has been killed or is missing, must be taken up by the state and society on a top priority.

The Kashmir region should also look for a positive basis of its identity. It used to be defined, as often happens in case of most identities, in negative terms. Its freedom movement was fed with the slogan of ending four centuries of slavery. Mughal, Afghan, Sikh and Dogra rulers, in turn enslaved it. From 1947–53 Pakistan sponsored tribal raids were used to arouse sentiments of the people. Later it came to be defined in terms of anti-India slogans.

The changing moods of the people in the valley can be attested to by evidence from pro-Pakistan or Pakistan sources. According to Alstair Lamb, as quoted earlier in full in chapter 3, in the early phase, thinking Pakistanis cannot have conceived that the vote would in fact go in their favour. Pakistan would have lost not only Kashmir but Azad Kashmir would also have disappeared into Sheikh Abdullah's empire".¹⁰

After the creation of Bangladesh, and the Indira-Abdullah reconciliation, reflecting on the new mood of the people, Mushaid Hussain, chairman of the foreign relations committee of the Pakistan National Assembly observed that 'from 1972–1989, the word, Kashmir was absent from Pakistan's foreign policy lexicon.'¹¹

The reasons for the changing mood of the people in the Valley have been discussed at length in the preceding pages. Incidentally it weakens the case for a plebiscite. No particular mood is so sacrosanct as to be valid for all times to come. It is particularly so in the case of the Indian part of the state where Muslims of the Valley do not constitute a majority. Even in Canada, where the right of secession is constitutionally permissible, the federal court decreed in the case of Quebec that the decision of a mere majority cannot be binding on all future generations unless it is supported by a substantial majority; though it did not define what substantial majority precisely meant. The court further held that the substantial majority should also concede the right of self determination to the ethnic minorities. Already the ethnic-minority region of Inuit in Northern Quebec has been granted autonomy.

The first condition for arriving at a stable and substantial majority or consensus within the Kashmir region for any status of the state is that people should be free to exchange their views. An atmosphere of free debate and tolerance of dissent hardly existed even in periods of normalcy. But as long as militancy persists, anybody who supports the solution of the Kashmir problem within the Indian Union, or is suspected to deviate from the line of militants, runs the risk of being shot dead, if (s) he is without security. Even most of the separatist leaders have to live under government security, and dissenters among them have been killed. How can independence or any other status, if achieved through such means, guarantee freedom and ensure that differences will not be settled by bullets?

The cultural and intellectual groups that are autonomous from politics have an important role in this context. The foremost task of the intellectuals is to study and debate what happened before and after 1947 and prepare an objective and unbiased account of it, without fear of militants and favour of politicians. Shifting blame to Indian and Pakistanis rulers will not suffice. Leaders and people of the Kashmir region have also committed mistakes, which they must realise to avoid recurrence of such mistakes.

It is also the primary responsibility of Kashmiri intellectuals and writers to find out an enduring basis of Kashmiri identity. There is

growing realisation among most Muslim leaders that it is incomplete without migrant Kashmiri Pandits. But five militant outfits — Jamiyat-ul-Mujahideen, Farzandan-e-Milat, Save Kashmir Movement and Alfren — have forbidden them from returning.¹² Apparently United Jihad Council chief Syed Salauddeen and Syed Ali Shah Geelani had moderated their stand by June 2006. The former called upon 'pro-freedom leaders, particularly Geelani, to establish personal contacts with Kashmiri Pandits and get their problems solved.' But it applied to those Pandits who did not migrate and instead 'practiced communal harmony and pro-movement attitudes.'¹³ After a two hour meeting with a delegation of Kashmiri Pandit group, Geelani observed that 'Kashmir Sangarsh Samiti' assured it that 'Muslims will provide every possible help to safeguard the pandits and their property.'¹⁴ But there was an element of ambiguity in both the statements about the return of the migrants as they talked about Pandits still living in the valley.

An indication of improvement in the overall atmosphere, was however, available when the Pandits celebrated Dussehra in October 2007 after two decades.

Meanwhile the active cooperation of Pandit writers should be sought to promote Kashmiri language and literature. Regular seminars and interactions between Hindu and Muslim intellectuals and writers should also be held on other subjects of common interest like the preservation of cultural heritage and an evaluation of the traditions of Kashmir and even political issues.

No tradition can survive unless it continues to change. It is also the lesson of 5000 years of Kashmiri civilisation which continues to evolve. The new challenge that it faces is because of the fact that it is no more isolated and protected by geographical factors. The main questions it faces is whether and how it can live with non-Kashmiri communities within the state who outnumber them. Sardar Sikander Hayat Khan then Prime Minister of 'Azad Jammu and Kashmir' challenged the right of the Hurriyat Conference, a delegation of which had visited the other side of LOC on the invitation of Pakistan government, 'to decide the future of the state as nobody from Jammu region was with it'¹⁵ That is true about all the two dozen parties spear-

heading the movement of self-determination based in Kashmir valley who talk about solution of the problem of the state as it existed before 1947 even as no known non Kashmiri leader is with them.

Whatever the stand of Kashmir based parties on the future of the state, it would neither be possible nor fair without settling its relations with other regions of the state. Only after the aspirations of all the regions and ethnic communities of the state are harmonized, should it aspire for a satisfactory status, acceptable to all of them.

The other alternative is that the Kashmir valley seeks a status separate from other regions. Within India or outside? If independent, how will it defend itself against direct or indirect threats to its security from either of its neighbours? What about foreign affairs? Will it export its entire talent to run its embassies all over the world? Whatever status it opts for or is able to achieve, will pose a number of questions on which unanimity or consensus may not be easy to achieve. In general it has by now been widely recognised that any attempt to homogenise a nation stifles growth and invariably leads to authoritarianism as Hitler had eloquently demonstrated. Local tyranny is often much worse than that imposed by a distant power.

However, a much worse alternative to separate status for the valley is the vision of Kashmiri nationhood propounded by the People's Conference leader Sajad Lone. He gives options to Hindu majority areas of Jammu and the Buddhist majority district of Ladakh to opt out of his concept of a Kashmiri nation. Addressing a rally in Srinagar on 22 May 2007, he specifically described the resultant state, after its division as a Muslim state.¹⁶ Can such a state be called a Kashmiri nation? When non-Kashmiri areas are merged with the Kashmir valley, it will not only crush their urges but also threaten the unique civilisational heritage of Kashmir. A division of the state along religious lines will also have serious implications for each part of the state and, in fact, for the whole country.

A disproportionately large part of this chapter and the rest of the book has dealt with only a part of the state i.e. Kashmir region for obvious reasons. But as much less is known about the other two regions by the policy makers and the scholars, an elementary discussion on

development in the other two regions is all the more important to get a complete picture of the whole state.

THE JAMMU REGION

The Indian part of the Jammu region is almost double the area of the Kashmir region (26,303 sq. km. versus 15,448 sq. km.) and only slightly less in population after a part of it was occupied by Pakistan in 1947. The tension between the two major regions, as discussed earlier, played a crucial part in the politics of the state both before and after independence and is one of the major causes of the Kashmir problem.

The freedom movement in Kashmir before 1947, with the battle cry of *Dogra Raj Murdabad* (Death to Dogra rule), did not endear the Kashmiris to the Dogras, the dominant community in Jammu. It provoked the Hindu and Muslim leaders to support the Maharaja's desire for independence of the state under his feudal rule.

The same Hindu leadership opposed the autonomy of the state, within India, which was granted to it under the Instrument of Accession and started an agitation for the abrogation of Article 370 of the Indian constitution that guaranteed a special status to the state. The motivation of this agitation was to get rid of what was called 'Kashmiri Raj', thus provoking an angry reaction in the Kashmir region. The vicious circle of demands for 'full accession' and 'limited accession' made the fact of accession itself controversial. And this was the genesis of the movement for de-accession and *azadi* in Kashmir.

The point in recapitulating this background is that neither is the Jammu problem merely a Hindu problem nor is the Kashmir problem a Muslim problem. In the Jammu region, ethnic identities like Dogra, Gujar, Pahari and Punjabi—belonging to the same family of languages as well as castes—cut across religious identities and, in some cases, matter more than religion. Moreover, regional urges would never have been irreconcilable, had the BJP and its predecessor, the Jana Sangh, not rejected the offer of Nehru and Abdullah for regional autonomy instead of seeking the solution of a regional problem by raising a seemingly nationalist slogan of a full merger of the state with India. In fact, the serious erosion of the autonomy of the state that happened

over the years did nothing to alleviate Jammu's regional discontent, while it did increase alienation in Kashmir.

Today the idea of autonomy for the state and for regions within the state may no longer remain an anathema to political parties and public opinion in the country. The limitations of communal politics too have been exposed due to the demographic composition of the region. Dr Karan Singh, the tallest Dogra leader, who contested the parliamentary election in 1984 with the support of the BJP, was placed at number three, yielding first and second positions to the Congress and the National Conference respectively, as he lacked the support of Muslims, Sikhs and the Scheduled Castes. Similarly, in the 2001 elections, Talib Hussain, a Muslim, defeated his Hindu rivals to win the Jammu-Poonch parliamentary seat. In the Darhal assembly constituency, with a majority of over 90 per cent Muslim voters, an independent Hindu candidate, Pooran Singh, was elected as a champion because of the Pahari community living there, defeating the Muslim candidates of the recognised political parties in the assembly election of 2002.

By projecting a Muslim leader, Ghulam Nabi Azad, as the future chief minister of the state in the assembly election of 2002, the Congress swept the poll in the Jammu region and marginalised the BJP and other communal groups. Jammu's secular identity was further consolidated when Azad actually became the chief minister on 2 November 2005, an event celebrated by the jubilant people of the Jammu region. They gave a tumultuous reception to Azad, the first ever chief minister from the region, on his arrival to the winter capital on 6 April 2005. The BJP, the Jammu State Morcha and parties representing all the religious and ethnic communities vied with one another in taking credit for a Jammu leader becoming the chief minister. The new secular wave had its impact even on a party like the Shiv Sena. One of its two local groups, for the first time, organised an Iftar party for their 'Muslim brethren' during Ramzan. The other group distributed sweets after the Eid prayer. Of course, the rotation of the post of chief minister, that too after 58 years, despite the temporary euphoria it caused, is not a lasting solution of the regional problem.

In the cabinet of Azad, the deputy chief minister, though belonging to the valley, was a Pahari. Perhaps this might be one of the reasons for the PDP, whom he represented, to withdraw him from the cabinet. Azad government was not only unable to satisfy grievances of people of Jammu but now people in the valley also started raising complaints of neglect and discrimination. The PDP president Mehbooba Mufti openly demanded that chief minister should always be from Kashmir region. Of course, she said that Azad was an exception.¹⁷ Moreover, even rotation of the head of the government cannot be ensured every time. In fact, nothing less than thoroughgoing systemic reform can address the roots of the problem and resolve it satisfactorily. Meanwhile, the growing affinity between the people of Jammu across the LoC has also facilitated the emergence of a secular Jammu identity.

THE LADAKH REGION

The secular identity of the third region of the state on the Indian side, the trans-Himalayan region of Ladakh, has unfortunately taken a reverse turn over the years since independence. Till almost the eve of independence, inter-community marriages between Buddhists and Muslims, the two principal religious communities of the region, were not uncommon. Gradually, they started drifting apart, *inter alia* due to outside influences. Unlike the Jammu and the Kashmir regions, Ladakh, which is almost two and half times in area than the combined area of the other two regions and racially different from them, has not been recognised in the constitution of the state. Constitutionally and administratively it is part of the Kashmir division, although it is farther away from Srinagar than Jammu is and remains cut off from it for more than half the year during the winter.

In 1978, the state government divided the Ladakh district into two parts, roughly equal in population: the Buddhist majority Leh and the Muslim majority Kargil. In the absence of a common regional authority, the urges of the two communities in the two districts drifted in divergent directions.

Instead of conceding their demand for regional autonomy, the people of Ladakh were sought to be satisfied with some palliatives. For

instance, the region was declared a scheduled tribe area, which promised more jobs and development. But jobs and development are no substitute for the urge for identity and a share in political power. Eventually, Leh was granted an autonomous status under the Ladakh Autonomous Hill Development Council Act, 1995. I asked the then prime minister, Narsimha Rao, his reasons for rejecting the demand for autonomy when it was demanded for the whole region while conceding it for Leh when it was demanded by the Ladakh Buddhist Association. He insisted that the decision was for the whole region. When I sought a clarification from the secretary for Kashmir affairs, on the prime minister's phone he confirmed that the official decision was for Leh only. Obviously, the prime minister was under the impression that Leh and Ladakh were synonymous.

The coalition government led by Mufti Sayeed granted similar autonomy to Kargil in 2002. But, in the absence of a common autonomous structure, the common regional identity was weakened even more. In fact, with powers less than even that of the elected district boards in the rest of the country under the Panchayati Raj system, the Ladakh Autonomous Hill Development Council did little to stem the discontent in Leh district. It was manifest in the October 2005 elections to the council in which the Ladakh Union Territory Front won 25 seats, conceding only one seat to a Muslim candidate of the Congress. This development might further widen the Buddhist-Muslim divide in the Ladakh region and pose a challenge to the multi-ethnic and multi-religious character of the state.

An ugly trend was already evident in the anti-Muslim demonstrations and stoning of Muslim shops by Buddhist crowds in Leh that had followed reports of two Buddhist girls allegedly eloping with Muslim boys of Kargil. These incidents and the retaliatory anti-Buddhist demonstrations in Kargil happened over 10–12 November 2005. Though the leaders of the two councils were able to pacify the angry people, the underlying causes could not be addressed.

Constitutional recognition to Ladakh as to the other two regions of the state, and regional autonomy, with adequate devolution of power to the two districts, at least as much as elected boards in other parts

of India enjoy, whether called autonomous councils or by any other name, are absolutely necessary to restore its secular identity and empower its people.

THE PAKISTANI PART OF THE STATE

An area of 33,000 square miles of the state is occupied by Pakistan. This includes 5,000 square miles of 'Azad Jammu and Kashmir (AJK)'. The remaining portion comprises the Northern Areas region, which is ruled directly by Pakistan. One political stream demands the independence of a united state of Jammu and Kashmir. Abdul Khaliq Ansari, the veteran freedom fighter against the maharaja's regime, was one of its pioneering leaders. Amanullah worked with him for 13 years before founding the Jammu and Kashmir Liberation Front (JKLF) that brought armed struggle onto the political agenda in the state. The Kashmir valley based JKLF led by Yaseen Malik parted company with him to enter a phase of unarmed political struggle in 1995. Another prominent personality of 'AJK', Abdul Majeed Malik, former chief justice of the 'AJK' High Court, also stands for a united independent state. The demand for independence finds its main support in Mirpur district.

MIRPURI IDENTITY

Rogert Ballard of Manchester University, who has done an in-depth scholarly study of the people of Mirpur, lists a number of causes for their alienation from Pakistan. While their relatives abroad play a crucial role in sustaining Pakistan's economy by contributing more than half of its foreign exchange earnings, their own district has remained undeveloped. The town of Mirpur was also drowned under the Mangla Dam that supplies power to places as far as Karachi and serves as a reservoir to the Punjab canal system. But the area around Mirpur has suffered extensive environmental damage without getting adequate power supply and other benefits of the dam. In their quest for an identity outside Pakistan, the Mirpuris aligned with the movement in the Kashmir valley for the independence of the state.

Ballard further observes:

Given their reasonable view that Pakistan has not only overlooked their interests, environmental resources and their hard earned financial assets, their self-definition as Kashmiris, and not as Pakistanis, provided Mirpuris with a powerful means of both expressing and legitimizing their grievances. Hence there is a great deal of enthusiastic support both within the district itself—and even more so amongst the overseas Mirpuri diaspora—for the prospect of a Kashmir which is truly Azad. 'Kashmir Zindabad, Pakistan Murdabad', they cry with great enthusiasm.¹⁸

Lately, the Mirpuris have started expressing greater pride in their affinity with Jammu of which they were a part before 1947. They prefer to call themselves *non-Koshur* (but non-Kashmiri speaking) Kashmiris that are part of the State of Jammu and Kashmir. When the Srinagar-Muzaffarabad road was opened to allow divided families across the LoC to meet, Mirpuris settled in the UK formed a Mirpur-Jammu road committee. Hindu and Sikh Mirpuri refugees in Jammu formed a similar committee. A committee for the same objective was formed by Mirpuris in the Pak part of the state too. Thus, the Mirpuri identity binds people in London, Jammu in India and Mirpur in Pakistan, irrespective of their religion or nationality.

POONCH

In the Poonch district, where the Shaukat group of the PNP was actively supporting the demand for independence Poonchi patriotism has repeatedly come to the fore. This district was the worst affected by the partition of the state as a large part of it, along with the district headquarters in the Poonch town, was left on the Indian side. Poonch, a separate estate, was merged with the princely state of Jammu and Kashmir in 1936. An intense local patriotism has persisted ever since and there is a strong yearning for the reunification of the two parts divided by the LoC. But the sentiment for independence is not as pronounced here as in Mirpur, partly because of two reasons: one, a major part of the ruling elite of 'Azad Kashmir' belongs to this district, and, two, it was the revolt against the maharaja in Poonch that had led to the formation of the first interim 'Azad Kashmir' government.

DISENFRANCHISED NORTHERN AREAS

The Northern Areas region covers 28,000 square miles and comprises two administrative units: the agencies of Gilgit and Baltistan. The area has been in turmoil and denied its identity and any semblance of democratic rights ever since it became a part of Pakistan. In May 1994, a 12-party alliance asserted in a joint statement that the rulers of Pakistan had 'expropriated from the people even those customary rights ordinarily available to them under the regime of the maharaja.' The statement argued that while there were three seats for them in the state assembly during the maharaja's regime, 'after Pakistan established its control over the Northern Areas, it took away with one stroke of the pen all those rights that the residents enjoyed. They are disfranchised, virtually without identity. Their rights are secure neither in the laws of Pakistan nor in the statute of Pakistan.' The people of the Northern Areas enjoy neither citizens' rights nor a separate constitutional identity. The Pakistan government had arrested the members of a delegation from 'Azad Kashmir', led by Abdul Khaliq Ansari and including Maqbul Ahmed Bhatt and Abdul Manan, that visited Gilgit in 1970 to express solidarity with the people's struggle for elementary civil liberties and democratic rights. Amanullah had to spend 15 months in jail.

On 25 April 1994, the Government of Pakistan announced a package of reforms that envisaged the formation of a Northern Areas Council. The federal minister of Kashmir Affairs and Northern Areas (KANA) was designated as its chairman and chief executive. No wonder, everyone rejected the package, but this did not stop the government from going ahead with the elections for the council. Despite full use of official authority and alleged unfair practices, both the mainstream Pakistan parties performed badly. In a 26-member council, the ruling Pakistan People's Party got eight seats and the opposition Muslim League only one. The rest were won by local parties that spearheaded the discontent of the people. In October 2007, President Musharraf announced the grant of autonomy to the Northern Areas by giving the Legislature Council the status of Assembly with enhanced 'political, administrative and financial powers'. The announcement was welcomed

by separatist leaders.¹⁹ However, all that LFO (Legal Frame Order) 2007 means is that the Executive will now be called Legislative Council and its Chief Executive will be subservient to a Pakistan Chairman who is a Minister for Kashmir Affairs. The Legislative Council will have the right to discuss the Budget which will continue to be prepared by the National Finance Commission of Pakistan. The Northern Areas will not be treated as a province of Pakistan nor even have as many rights as Azad Jammu and Kashmir have been granted.

SHAPE OF THINGS TO COME

While a number of factors have influenced the situation in the state, including the policies of the Indian and Pakistani governments and their mutual relations as also the disposition of international forces and the directions taken by the urges of different regions and communities within the state, objective realities on the ground cannot be ignored. Moreover, one's views about the future of the state depend on the values and principles one holds and one's understanding of the ground realities.

I believe in pluralism and multiculturalism, equal rights for the followers of all faiths, individual freedom and respect for dissent, and so I see the state as an ideal laboratory. For it is a unique state in terms of the religious and ethnic diversities that it encompasses.

No solution will be lasting unless it is supported by a consensus of all diverse communities, which is possible only on the basis of the values mentioned above and on an agreement on the constitutional and institutional arrangements to reconcile the diverse urges and interests and to ensure that all the communities get equitable share in political power and financial allocations.

At various times, I have been involved in several exercises—including the formula of regional autonomy approved by Nehru and Abdullah, my draft on the five-tier internal constitutional set-up approved by the All Jammu and Kashmir Peoples' Convention in 1968, and the report I submitted as head of the Regional Autonomy Committee in 1999—that could serve as the basis for inter-regional dialogue.

FEDERALISM AND DECENTRALISATION

These exercises were based on the assumption that a state can hold together its diversities as Jammu and Kashmir can be held together on the basis of federalism and decentralisation. But such a solution can only await "the final, permanent and durable solution of the Kashmir problem." In fact, this would be an essential prerequisite for a solution, unless one wants separate solutions for parts of the state on the Indian side. But any division of the state would run along religious lines that might have dangerous repercussions on the subcontinent. Since the beginning of the present phase of the Kashmir problem in 1990, there has been no dialogue at any level on regional relations. In fact, dialogue between different groups has collapsed completely even within the Kashmir region.

A broad agreement on inter-regional relations and the distribution of power within each region would reduce inter-regional tensions, the issue of status of the state and facilitate dialogue on the final positions on the final resolution of the Kashmir issue. The state is divided by internal tensions. Residents of a state divided by conflict do not constitute a people. Only the residents of a state who have been reconciled constitute a people entitled to a final decision about its status. Internal harmony in the state is necessary for it if it has to remain one entity irrespective of its status.

After an agreement on these issues is reached, or after a similar dialogue with the leaders on the other side of the LoC, we have noted, for instance, the growing urge among the people of Jammu and Kashmir for closer affinity with the Indian part of the Jammu region, of which it is culturally and, before 1947, administratively a part. They have similar affinity with the Uri and Tangdhar in Kashmir valley. How far their urge for 'making the borders irrelevant' will be known only after allowing freer movement across the LoC is given. After that happens can other measures be considered?

Of course, both sides should take all security measures even as the borders are made soft. Today the people of Jammu and Baltistan have no ethnic and emotional ties with either

Kashmir. It is, therefore, doubtful if they would join either side unless they are assured of their future status. So far no talks have been held with them. The only ethnic and emotional bond between the Indian part of the state is with Kargil. The case for closer travel between Skardu and Kargil is very strong.

Even to the extent attempts at building a common South Asian identity under the auspices of the SAARC succeeds, the Kashmir problem would be accordingly easier to handle.

This book is essentially a study of the internal problems of the Kashmir region on the Indian side. After these are resolved, depending on the situation then prevailing, the remaining problems may be taken up for a frank dialogue and within the framework of the SAARC. The complex Kashmir problem requires a patient approach at three levels.

Wider Perspectives

An objective survey of the long-term trends and short-term events attempted in the preceding pages may provide certain hypotheses which can be further tested in a wider perspective of theoretical generalisations based on ample empirical evidences and scholarly analyses of ethnic and terrorist movements in other parts of the world.

Terrorism in Kashmir, or for that matter anywhere else, cannot be ascribed to administrative or economic reasons alone. Administrative excesses and lapses cause individual grievances which rarely lead to political terrorism. Similarly, poverty and unemployment may cause class discontent but not community discontent. Economic misery or neglect and victimisation by the administration can cause discontent in a community—ethnic or religious—only if it perceives them as part of a policy of discrimination. It is deprivation of political power that is at the root of this perception; due to which the community believes that its dignity and identity are threatened. Economic aid, however generous, often fails to compensate the urge for identity, dignity and empowerment and in some cases, hurts the pride of the community. In any case, the economy of J&K has been growing much faster than the national economy. The rate of growth in 2001–02, 2002–03, 2003–04, 2004–05 was 7.98, 11.21, 8.26 and 8.33 respectively which is much higher than that of the country as a whole. People below poverty line in the state are less than 3.48 per cent while the national average is 25.17 per

cent. Again, unemployment in rural Jammu and Kashmir stands at 2.6 per cent against 4.7 per cent in Himachal Pradesh, 3.3 in Haryana and 5.8 per cent in Punjab. The urban sector in J&K stands at 5.3 per cent (2004–05) against 4.0, 4.8 and 5.6 per cent respectively for the neighbouring states. The state is also ahead of other states in terms of other indices of development. Its birth rate (19.9/1000) is lower than the national average (25.8/1000). Its death rate (5.4/1000) is also lower than the national average (8.5/1000).¹

Again, community discontent is a necessary but not a sufficient condition for the rise of a secessionist-terrorist movement. It would often seek secessionist outlets if the political system does not have adequate provision for its expression. Finally, if there are no peaceful avenues for the expression of a secessionist movement, it might assume a terroristic form. Of course, an outside supply of arms, money and training facilities helps the growth of terrorism.

These prerequisites for a secessionist-terrorist movement were gradually added to the Kashmir situation. It brings to light the failure of Indian nationalism, federalism, democracy and, above all, Indian secularism, to accommodate the aspirations of the Kashmiri Muslims. Or, what amounts to the same thing, the inability of the Kashmiri Muslim leadership to get the aspirations of the community satisfied within the secular, democratic and federal Indian framework, and to understand and accommodate the aspirations of the other regions and ethnic communities within the state.

QUESTIONS OF IDENTITY AND FREEDOM

Kashmir's aspirations for identity and freedom, which initially motivated it to accede to the Indian Union, were frustrated due to a number of reasons, discussed in the earlier chapters. These urges have emerged as basic human urges in modern times, as acknowledged by post-modern political thought and eloquently confirmed by the developments in what was the Soviet bloc and in the Soviet Union. The uprising in Kashmir, significantly, not only synchronised with but also drew its main inspiration from these developments.

FEDERALISM AND DECENTRALISATION

These exercises were based on the assumption that a state of such vast diversities as Jammu and Kashmir can be held together only on the basis of federalism and decentralisation. But such a course need not await "the final, permanent and durable solution of the Kashmir problem." In fact, this would be an essential prerequisite for such a solution, unless one wants separate solutions for parts of the state on the Indian side. But any division of the state would tend to be on religious lines that might have dangerous repercussions for the whole subcontinent. Since the beginning of the present phase of the Kashmir problem in 1990, there has been no dialogue at any level on inter-regional relations. In fact, dialogue between different viewpoints collapsed completely even within the Kashmir region.

A broad agreement on inter-regional relations and devolution of power within each region would reduce inter-regional tension over the issue of status of the state and facilitate dialogue on it. The extreme positions on the final resolution of the Kashmir issue is partly provoked by internal tensions. Residents of a state divided by conflicts and tensions do not constitute a people. Only the residents of a state whose divergent urges have been reconciled constitute a people entitled to take a decision about its status. Internal harmony in the state is necessary, in any case, if it has to remain one entity irrespective of its status.

After an agreement on these issues is reached, or even before that, a similar dialogue with the leaders on the other side can be started. We have noted, for instance, the growing urge among the people of 'Azad Jammu and Kashmir' for closer affinity with the Indian part of the Jammu region, of which it is culturally and, before 1947, was administratively a part. They have similar affinity with people living in Uri and Tangdhar in Kashmir valley. How far their urge can be satisfied by 'making the borders irrelevant' will be known only after the process of allowing freer movement across the LoC is given full trial. Only after that happens can other measures be considered.

Of course, both sides should take all security-related precautions even as the borders are made soft. Today the people of Gilgit and Baltistan have no ethnic and emotional ties with either 'Azad J&K' or

with Indian Kashmir. It is, therefore, doubtful if they would join either of them unless they are assured of their future status. So far no talks have ever been held with them. The only ethnic and emotional bond they have with the Indian part of the state is with Kargil. The case for allowing free travel between Skardu and Kargil is very strong.

Finally, to the extent attempts at building a common South Asian identity under the auspices of the SAARC succeeds, the Kashmir problem would be accordingly easier to handle.

This book is essentially a study of the internal problems of the state mostly on the Indian side. After these are resolved, depending on the situation then prevailing, the remaining problems may be taken up by Indo-Pak dialogue and within the framework of the SAARC. Resolving the complex Kashmir problem requires a patient approach at all the three levels.

This is not to undermine the Muslim aspect of the problem. If the Kashmiris were not overwhelmingly Muslim, their loyalty would not have become suspect so soon. Obviously, Pakistan's continued involvement in the problem in that case would not have been so intense, emotionally and politically. But the problem is too layered to be treated as merely an extension of the unresolved Hindu-Muslim conflict of the forties. It also cannot explain the behaviour of the Kashmiri Muslims who supported accession to India and of Hindu communalists who opposed it in 1947.

That the Kashmiri aspect of the secessionist-militant movement is no less pronounced would be obvious from the fact that all non-Kashmiri Muslim communities of the State—Dogra, Punjabi, Gujjar, Pahari and Ladakhi—remained in varying degrees of non-involvement for the most part despite efforts by communal elements of both the communities. It is equally significant that Pakistan played the Kashmiri card, to start with to support militancy in Kashmir and not merely the traditional Islamic card it used to do in the past. The militant movement in Kashmir, which was initiated by the Jammu and Kashmir Liberation Front, evoked a response far beyond the expectations of Pakistan, mainly because of its slogans of *kashmiriat* and *azadi*, which were considered taboo and illegal in Pakistan-held Kashmir.² *Kashmiriat* and *azadi* are the twin-edged weapons that a shrewd and enlightened Indian leadership had used against Pakistan in 1947. Subsequently, however, Indian leaders have allowed Pakistan to use them against India. Two factors that further encouraged the drift towards terrorism in Kashmir were the easy availability of arms and training just across the 640-km-long Line of Actual Control between India and Pakistan, a large part of which was porous. Despite the formal denial of the Government of Pakistan, its active involvement in sustaining the armed insurrection in Kashmir is well established. Evidence supplied by the American satellites and intelligence agencies, foreign correspondents and admissions by militants attest not only to the regular supply of arms and to the existence of training camps, but their precise location and number within Pakistan's jurisdiction as well. The British Home Secretary, Kenneth Clark, during his visit to Pakistan on 7 January 1993, observed that a lot of 'military

equipment was going over the border from Pakistan into Kashmir.'³ In a move to prevent Pakistan from promoting terrorism in Kashmir, the US ambassador in Pakistan, in a letter to the Pakistan Foreign Secretary Shahryar Khan, is reported to have said that the 'US has not taken the step on information and evidence provided by India' and that it had used its own sources to gather information on the subject.⁴ The US State department categorically stated that 'there were credible reports in 1993 of official Pakistan support to Kashmiri militants who undertook acts of terrorism in India-controlled Kashmir.'⁵ After 9/11, Pakistan's involvement in militancy in Kashmir was branded by the Western powers as terrorism.

Despite the exclusive reliance of the secessionist movement and the militancy in the Kashmir valley on Pakistan, it failed to win the allegiance of people of the valley. The fact was admitted by General Pervez Musharraf, President of Pakistan, when he told Reuters that sentiments for independence were confined to the Kashmiri-speaking Muslims who were outnumbered by the non-Kashmiri speaking Muslims of the state.

That non-religious ethnic ties cut across the religious divide was further evident from the Hindus and Sikhs from the city of Jammu when the leaders from the other side visited Jammu in August 2005, they received a warm welcome and declared that they were culturally and, before 1947, administratively, a part of Jammu region.

Another factor that provoked Kashmiri Muslims to support violent and terrorist activities was the constant taunt that they were docile, timid and non-martial. Jayaprakash Narayan once lamented that every time he warned against possible adverse reaction to the policies of the Government of India in Kashmir, the stock official argument was that Kashmiris were incapable of revolt. The non-violent and civilised character of the community was thus condemned as its weakness and was seen as an alibi for repression. Seeing the disillusionment of the people of Kashmir with Pakistan and the militants, the Union home minister on his visit to Kashmir in July 1992, was optimistic of a solution to the Kashmir problem, on the grounds that the 'Kashmiris were docile.'⁶ When a few odd terrorist attacks on policemen and some

attempts at blasts in 1988 failed to cause loss of lives, they were cited by a section of the media and a cynical public as further evidences of the fact that a Kashmiri could not be a successful terrorist. Some even alleged that these were state-managed in order to divert the attention of the people from their problems. As such when real and effective acts of terrorism were unleashed and the terrorists exchanged gunshots with the security forces, the sense of thrill felt by the Kashmiri Muslims was perhaps more psychological than political. For them it signalled their graduation to a martial status and the shaking off of the centuries-old 'stigma' of being thought too 'cowardly'.

No Kashmir policy can succeed without taking into account the political and psychological urges of the people, and all their diversities. The controversy over whether the policy should be tough or soft, whether it should be based on nationalist or moral appeal, on *realpolitik* or *idealpolitik* is unreal and irrelevant here. The real and relevant question is what is and what is not a correct assessment, a correct diagnosis, a correct strategy and a correct mix of force and tact. After all Gandhi's *idealpolitik* had triumphed over Jinnah's *realpolitik* in Kashmir. Similarly, the emotional bond between the State and the Centre which had ruptured in 1953 was repaired by Jayaprakash Narayan's moral offensive against the so-called nationalist policy of the Government of India, (based mainly on repression and corruption). The reversal of this policy culminated in the Indira-Abdullah accord of 1974. Despite the monumental achievements of moral giants like Gandhi and Jayaprakash Narayan in raising India's esteem and international stature as well as in extending its political boundaries, a school of thought dismisses the role of the moral and ideological force. It relies exclusively on the forces of fanaticism, hatred and muscle power that found their crudest expression in the anti-Muslim carnage in Gujarat in 2002.

THE CARROT AND STICK POLICY

The Kashmir policy of the Government of India has been marked mainly by what may be called the carrot and stick approach. But what are its net achievements? Take the instance of what followed the arrest

of Abdullah in 1953 when the brute force of the Bakshi regime failed to suppress popular unrest. It was then supplemented by lavish central aid to the State along with the supply of rice at heavily subsidised rates. But neither stick nor carrot helped Bakshi win over Abdullah's following. The subsidy was withdrawn by Abdullah when he returned to power in 1975. Yet, he won a massive popular mandate over the issue against the Janata Party which had promised to restore the subsidy in the assembly elections of 1977.

More generous central aid was once again promised in exchange of Farooq's agreement to share power with the Congress in 1986. Earlier G.M. Shah's government was imposed on Kashmir through prolonged curfews. However, money could not buy the 'poor' Kashmiri now just as force under G.M. Shah's government could not subdue the 'docile' Kashmiri. A campaign of hatred was launched against the Kashmiris for being ungrateful and refusing to sell their conscience despite the lavish aid. That a major part of the aid was used to form a nexus of corrupt politicians, bureaucrats and businessmen could only arouse a sense of indignation in the masses.

Force and aid were used as instruments to win the loyalty of the people not for the nation but for the Government and the party in power. Unlike other Indians, a Kashmiri was required to prove his patriotism not only by being loyal to the country but also to the governments in the State, at the Centre and to the parties in power at both places. For the Kashmiris, anti-Pakistan-ism is an additional compulsory test of loyalty. These tests are analogous to the virginity tests which were once prescribed exclusively for single Asian women entering the UK which had aroused the justified indignation of the people of Asia. Why should people in Kashmir have reacted differently unless they were considered less than human beings?

Again, Jammu and Kashmir was the only part of India where the people did not play much role in choosing their own government, either because of rigging or the boycott calls of the separatists and the militants, except in 1977; which restored popular faith in Indian democracy. The verdict of the 1983 elections, which was also fair, was not honoured. Civil liberties were denied most of the time and cultural and regional

identities were never recognised as all its three regions had to submerge their respective identities within a unitary state. Kashmiri did not get its due as a recognised constitutional language, nor was Dogri included in the eighth schedule of the Constitution till 2003. The elections of 1987 was again a rigged one. That fair elections do make a difference is evident from the fact that, in 2002, people, for the first time, learnt that they could change the party in power through the ballot. The National Conference government was then replaced by a coalition government led by the People's Democratic Party (PDP). Though the PDP got only 16 seats, all from the Kashmir valley, its leader became the Chief Minister, and remained so till 2003, with the support of the Congress party, which had won 20 seats, mostly from Jammu.

The municipal elections in 2005 witnessed an even larger turnout of voters. These elections underlined the importance that people attached to civic problems and good governance.

The people had so far been denied any democratic outlet to their discontent as one-party rule was the usual pattern (except 1975 to 83 and 2002 till recently). Every voice of dissent and discontent was called secessionist in Kashmir and communalist or regionalist in Jammu. Yet the myth spread that Kashmir was the most favoured and privileged part of India, causing heartburn and jealousy against its people in the rest of the country.

PLEBISCITE AND ARTICLE 370

Another myth so assiduously perpetuated is that commitments to plebiscite and Article 370 of the Constitution were a part of Nehru's policy of appeasement of the Kashmiri Muslims. Both issues have been dealt with at length in their respective contexts. But the fact that needs to be re-emphasised here is that the collective wisdom of the entire leadership of India at that time, whether within the government or in the opposition, considered these commitments as the only way to make the State a part of India.

M.J. Akbar has correctly pointed out that Sardar Patel and Dr Shyamaprasad Mukerjee were members of the front row of the treasury benches in Parliament when commitment for the UN-overseen plebiscite

was made by the Government of India. Similarly, both were members of the Cabinet when it accepted Article 370.⁷ It is, however, true that Patel did not share Nehru's faith in the Muslims of Kashmir and, therefore, was not keen on the State's accession to India. He had conveyed to Maharaja Hari Singh through Mountbatten, that if he acceded to Pakistan, the Government of India would not take it amiss.⁸ H.V. Hodson 'puzzled over Patel's negligence' towards Kashmir writes:

Kashmir was *deliberately omitted* [italics added] from a committee of States representatives called by the pre-independence States Department to discuss terms of accession, though Hyderabad was invited... After independence, a representative of the Kashmir Government who sought a lead from the States Ministry on the choice between India and Pakistan, was told by the Secretary (V.P. Menon) that the Government of India could give no guidance in the matter.⁹

Further, it is generally believed that the Maharaja's prime minister, Mehar Chand Mahajan, was appointed on the advice of Patel. Mahajan's statements in favour of independence of the State may perhaps provide an insight into the mind of the then deputy prime minister of India.

Sheikh Abdullah records in his autobiography, *Atash-i-Chi-nar*, that at a meeting held in Delhi at Sardar Patel's residence in early 1949, Patel said: 'India had gambled in Kashmir which it has lost. We should therefore give up Kashmir.'¹⁰ Besides Abdullah and Bakshi, the meeting was attended by Nehru, Azad and Ayyangar.

However, Patel was and continued to be party to the decision of the Government of India and the Congress in particular on the issue of plebiscite. In a statement on 14 November 1947, he had said:

About Junagarh, Hyderabad and Kashmir, it is our considered opinion that whatever the decision of the people, accession should be settled according to that.¹¹

It was obvious to Patel as also to everybody else that this way at least two Hindu majority states would accede to India. Nehru was confident (in view of the situation then prevailing, the confidence was not misplaced) that India could win a plebiscite in all the three states. Patel

realised that if at all the 'gamble' in the third state could be won, Nehru was far better placed than he was. He therefore supported Nehru's game plan for Kashmir out of a genuine conviction and not under any compulsion. Refuting all speculation about his differences with Nehru, Patel assured him, 'I am not aware of any differences between you and me on the matter of policy relating to Kashmir.'¹² He was no less conscious than Nehru of Sheikh Abdullah's crucial importance in Kashmir. In a letter written to Maharaja Hari Singh on 21 October 1947, he said, 'I myself feel that the position which Sheikh Abdullah takes is understandable and reasonable. In the mounting demand for the introduction of responsible government in the states, such as you have witnessed in Travancore and Mysore, it is impossible to isolate yourself.'¹³

It was again Patel who dealt with the issue of Article 370 in the Constituent Assembly, as Nehru was abroad at that time. His private secretary, V. Shankar, recalls in his book, *My Reminiscences of Sardar Patel*, that when the article was discussed in the Congress party executive council, there was strong opposition to it. But, it was left to the Sardar to bring the discussion down to the practical plane and to plead that because of international complications, a provisional approach alone could be made. The party, thereafter, fell in line.

It has been argued that Patel acted against his better judgement and out of loyalty to Nehru.¹⁴ But there is no evidence that his judgement was any different before or after the adoption of the constitutional provision regarding the status of the J & K State. In fact he had given a clear assurance to the Indian states in general in these words: 'We do not want anything more than accession in three subjects, therein lies the good of the entire country. We respect their independence in all other matters.'¹⁵ However, under pressure of their respective people, the princes of the other states surrendered their autonomy which neither the prince nor the majority of the people of J & K wanted to do. Referring to the State, Patel reiterated, 'in view of the problems confronting Kashmir, we have enacted a special provision to continue the existing relationship between the Union and this State.'¹⁶ Those who argue that Patel took this stand out of loyalty to Nehru insult him

by implying that he was a blind follower with no conviction of his own. His published correspondence belies this insinuation. For, he never failed to express and record his dissent.

Mukerjee's position as member of the Cabinet was no different from that of Patel, or for that matter Nehru, on the issues of plebiscite and Article 370. He did not oppose the article even after resigning from the Government of India and becoming the president of the Bharatiya Jana Sangh as far as its application to Kashmir was concerned. In his presidential address at the first conference of the Sangh in December 1951 at Kanpur, he said, 'We would readily agree to treat the valley in any special manner and for such time as he (Abdullah) would like.' He reiterated this view in his letter to Pandit Nehru on 9 January 1953.

Mukerjee had reservations about the imposition of Article 370 on the unwilling people of Jammu and Ladakh and demanded that 'Jammu and Ladakh must be fully integrated with India.'¹⁷ In the course of the Nehru-Mukerjee-Abdullah correspondence, Nehru pointed out the implications of breaking the unity of the State, which, according to him, Pakistan and other interested quarters were also attempting. Mukerjee responded to Nehru's point positively and in his letter to Nehru, dated 17 February 1953, agreed to support the cause of unity of the State, Article 370 and the Delhi agreement on Centre-State relations with a proviso that 'the principle of autonomy will apply to the province of Jammu as a whole and of course also to Ladakh and Kashmir.'¹⁸

This was precisely the assurance that I had sought and got from Nehru and Abdullah on the eve of signing the Delhi agreement. Unfortunately, after the death of Mukerjee, the Jana Sangh started and continued to oppose in its various *avatars*, the formula of regional autonomy and Article 370. What is significant is that Mukerjee had never opposed the controversial article in its application to the Kashmir valley and had later veered round to support its application to Jammu and Ladakh also. For a detailed discussion of the Jana Sangh's agitation of 1952-53 and its role after the death of Mukherjee, see chapter 4. The main opposition parties like the socialists and the communists had

unreservedly accepted the validity of Article 370 at that time when the Jana Sangh was merely a marginal phenomenon. In fact, it was Nehru himself who had expressed the hope that the Article would be gradually eroded (*ghiste ghiste ghis jaegi*). He wished to do it through a process of persuasion and not coercion. Perhaps he underestimated the Kashmiri urge for autonomy which became sharper due to the provocation of the Jana Sangh-Parishad agitation in 1953. According to the then Director, Intelligence Bureau, the agitation had given such a shock to Nehru also that for the first time he had become doubtful about the future of Kashmir.¹⁹

Nehru was undoubtedly the greatest 'outside' influence in moulding the course of political events in Kashmir since the late thirties. He had aspired to make it a willing part of independent India and thereby found a secure basis of a secular India, thus ensuring its decisive ideological superiority over Pakistan. Nehru did not quite succeed; except in making Kashmir a part of India in a legal and physical sense. One of the reasons for his failure was that his main instrument of Kashmir policy, Abdul-lah, did not quite measure up to his historic role. Circumstances took his stature to towering heights. At the time of Nehru's death in 1964, he seemed to be the tallest leader in the subcontinent. Yet his intellect did not match his growing stature. He failed to reconcile the divergent aspirations of the three regions of the State and symbolise its composite personality. His articulation of Kashmiri aspirations, too, was often subjective and lacked sophistication. The Nehru-Abdullah friendship was unable to withstand the strains of the unreconciled demands of Indian nationalism and Kashmiri nationalism.

REALPOLITIK VS IDEALPOLITIK

Nehru was above all a nationalist. He subordinated claims of democracy, morality and sub-national aspirations to what he perceived to be the claims of nationalism. He gave up efforts to reconcile both sets of claims. He connived at regimentation, repression, rigged elections, corruption and nepotism in Kashmir in the name of national interest. This sowed the seeds of alienation which sprouted later when more nourishments

were added. Nehru's realpolitik role was not a patch on his idealpolitik role. The idealpolitik in him reasserted itself towards the evening of his life. In a rare feat of courage and statesmanship, he had Abdullah released from prison, invited him to Delhi as his personal guest, charmed him with his transparent sincerity, sent him to Pakistan for a subcontinental solution to the Kashmir problem and thus rekindled new confidence and hope in the State and the two contending countries for a lasting solution to the problem. With his sudden death on 27 May 1964, the promise of his new initiative also died. Standing near the *samadhi* of his great friend, with tears rolling down his cheeks, I heard Abdullah say: 'Had I known that the end of Panditji was so near, I would have settled the Kashmir issue with him without going to Pakistan.'

Despite the way Nehru's government had treated the people of Kashmir in the previous eleven years, he still had the capacity to inspire them, both emotionally and intellectually. He had this potential despite the fact that he represented a nation that had not yet recovered from the backlash of partition and was thus still too insecure to tolerate and trust an assertive Kashmiri Muslim community. He also had to function through a myopic bureaucracy and a decadent Congress party.

Personalities like Gandhi, Nehru and Jayaprakash Narayan have left a vacuum not only in the field of politics but also of ideas, at the national level. In Kashmir, the generation that worshipped Abdullah is almost gone. With it the entire galaxy of leadership of the freedom movement—Masoodi, Beg, Bakshi, Sadiq—too has left the scene. (G.M. Karra could never attain a similar stature since he left the team.) The generation that followed was corrupted and purchased by Delhi. A third generation has taken over, uninfluenced by the charisma of the first and the opportunism of the second. While *Kashmiriat* has acquired fundamentalist tendencies and violent expressions, desperate bids were being made by the forces of Hindutva to hijack Indian nationalism.

The chasm between the descendants of Nehru and those of Abdullah is, therefore, much wider than it ever was between the two friends. But the present generation has also the advantage of learning, if it chooses to, from the much wider experience of the past generations, including their failures. It can also learn from the experience of the other parts of

the world, in the making and unmaking of nations, the emergence and assertion of ethnic identities and the universal upsurge for freedom.

LIMITS OF MILITANCY AND STATE REPRESSION

Notwithstanding the initial success of the militant youth in articulating the political and psychological urges of the bulk of Kashmiri Muslims, its limitation, not only in matching the might of the Indian State but also in resolving its internal contradictions, as discussed in some detail in chapter 7, have become manifest.

The limits of the Government of India's attempt to resolve the Kashmir dispute by using its armed superiority should be equally obvious. The challenge of Kashmir is not merely one of arms supplied from across the border. It is a political and moral challenge as well. Even if it is conceded that the Indian State is mighty enough to crush the upsurge in Kashmir and the aspirations of its people, the cost of keeping a subjugated and humiliated people as a part of the country will become increasingly prohibitive. The cost would be in terms of erosion of the democratic character of the Indian State, its secular and moral basis, the civilisational values of the nation as well as its international prestige. A fascist or a military regime may, in the short run, be able to maintain the unity of a nation better. But apart from the price it extorts from the people of the country, such a unity is not known to last long. India's intellectual, moral and ideological reserves have certainly not been so depleted that it should dismiss any consideration of policy options, the cost of which is less prohibitive.

An overall multi-pronged policy for Kashmir should be discussed and evolved in a wider perspective. This should include questions relating to the role of sub-national identities in the process of nation building; the optimum quantum of autonomy which could be granted to them, the constitutional and political aspects of Centre-State and State-region relations, contradictions between uniformity and unity, the degree of tolerance towards diversity, dissent and defiance within the state system, the nature of the State and its institutions, and, above all, the need for building a viable South Asian identity, i.e. SAARC, in moderating the conflicting, nationalist claims of India and Pakistan on Kashmir.

Notes

NOTES TO CHAPTER 2

1. The state of Jammu and Kashmir was overwhelmingly Muslim. According to the census of 1941 the proportion of Muslims in the population was 93.45 percent in the Kashmir valley, 61.35 percent in Jammu, and 86.7 percent in the Frontier region (including Ladakh, Gilgit, etc.).
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13. Mehar Chand Mahajan, *Looking Back*, Bombay, 1963, p. 265.
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17. *Ibid*, p. 348.

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19. *Ibid*, p. 92.
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25. Quoted by G.M.D. Sufi, *op. cit.*, p. 696.
26. *Atash-i-Chinar*, Srinagar, 1986, p. 395.
27. *Ibid*, p. 405.
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29. M.P. Bhandara, *Dawn*, 6 March 2005.
30. M.C. Mahajan, *op. cit.*, p. 277.
31. Durga Das, *op. cit.*

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3. *Ibid*.
4. For the full text of India's complaint, see B.L. Sharma, *The Kashmir Story*, 1967, Appendix 1.
5. *Ibid*.
6. *Ibid*, Appendix 3.
7. *Ibid*, Appendix 6.
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9. *The Hindustan Times*, 27 September 1950.
10. B.N. Mullik, *My Years with Nehru*, New Delhi, 1971, p. 24.
11. Balraj Madhok, *Kashmir: Centre of New Alignments*, New Delhi, 1963, p. 117.
12. *White Paper on Kashmir*, Government, of India, New Delhi, 1953-54, p. 7.
13. *Kashmir Azadi Ki Jadojebad* (Urdu), Institute of Policy Studies, Islamabad, Pakistan, 1991.

14. Alastair Lamb, *Kashmir: A Disputed Legacy*, Hertfordshire, 1991.
15. *White Paper on Kashmir*, Government of India, New Delhi, 1953-54, pp. 46-8.
16. SCOR, No. 798, para 40, quoted by B.L. Sharma, *op. cit.*, pp. 106-7.
17. *The Indian Express*, New Delhi, 13 July 1978.
18. *The Manchester Guardian*, 1 August 1953.
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30. *India Today*, 15 September 1991.
31. Jagmohan, *op. cit.*, p. 351.
32. Government order No. DAP/G & N/30 (a) 82-83;
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34. *The Times*, London, 26 January 1967.

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5. Balraj Puri, 'Kashmir Denied Popular Verdict', *Janata*, Bombay, 12 March 1967.
6. 'Letter to Syed Mir Qasim, 2 July 1983' in *Qasim-Indira Correspondence*, Srinagar, 1983.
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8. *Kashmir Times*, 5 November 1986.
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NOTES TO CHAPTER 6

1. Chief Minister Farooq Abdullah had announced the formation of a commission headed by me. The other members nominated to the commission included Mr. N.K. Mukherjee and Professors Upendra Baxi, Bashir-ud-din and K.M. Kurien.

2. *The Hindustan Times*, 7 October 1988.
3. *Ibid*, 13 October 1988.
4. *Ibid*, 28 January 1989.
5. *Kashmir Times*, Jammu, 4 April 1988.
6. *Ibid*.
7. *Ibid*.
8. *The Hindustan Times*, 7 May 1989.
9. *Ibid*.
10. *Kashmir Times*, 11 April 1989.
11. *The Times of India*, New Delhi, 4 November 1988.
12. *The Statesman*, New Delhi, 24 September 1989.
13. *Tribune*, 23 June 1989.
14. *Ibid*, 22 June 1989.
15. *Kashmir Times*, 21 January 1990.
16. Vijay R. Trivedi, *Facts about Kashmir*, New Delhi, 1990, and 'Events of the Year' in *Kashmir Times*, 31 December 1990.
17. Jagmohan, *My Frozen Turbulence*, New Delhi, 1991, p. 15.
18. *The Daily Excelsior*, Jammu, 23 January 1991.
19. Jagmohan, *op. cit.*, p. 186.
20. *The Times of India*, 29 May 1991.
21. Trivedi, *op. cit*.
22. *Ibid*.
23. Jagmohan described his approach to the problem at a press conference, *Kashmir Times*, 24 January, 1990.
24. Press Council Committee Report, *Crisis and Credibility*, New Delhi, June, 1991.
25. *Ibid*.
26. *Ibid*.
27. *Kashmir Times* 18 December 1992.
28. According to an official survey out of 8100 persons killed from January 1990 to December 1993, 350 were Pandits (PTI, 5 January 1994).
29. *Crisis and 'Credibility, op. cit*.
30. *Kashmir Times*, 3 April 1992.
31. *The Excelsior*, 17 January 1992.
32. *The Times of India*, 25 August 1990.

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34. Militants killed 1800 Muslims while the security forces killed the same number in what is euphemistically called cross-firing from January 1990 to December 1993, (PTI, 5 January 1994). In 1994, (upto November) 923 people, mostly Muslims, were killed by militants and in cross-firing. The number of innocent Muslims killed (over 4500) is a little short of the total casualties of the militants.

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2. *Ibid.*
3. *Ibid.*
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5. *Ibid.*, 9 September 1993.
6. *Ibid.*, 8 November 1991.
7. *Ibid.*, 20 October 1994.
8. *The Daily Excelsior*, Jammu, 15 April 1991.
9. *Kashmir Times*, Jammu, 11 September 1993.
10. *The Times of India*, 15 September 1992.
11. *Kashmir Times*, 28 March 1993.
12. *Kashmir Times*, 8 May 1992.
13. *Crisis and Credibility*, Press Council of India, New Delhi, 1991.
14. *The Times of India*, 26 March 1992.
15. Writ Petition no. 2458/92 J&K High Court, quoted in Amnesty International report, 15 December 1993.
16. Interview to *Far Eastern Economic Review* quoted in *The Times of India*, 8 February, 1994.
17. *Kashmir Times*, 7 June 1994.
18. *The Times of India*, 31 December 1991.
19. *Ibid.*, 8 July 1994.
20. UNI report published in *Kashmir Times*, 27 November 1993.
21. *The Times of India*, 31 December 1991.
22. *Kashmir Times*, 14 October 1992.
23. *Ibid.*
24. *Kashmir Times*, 7 February 1994.

25. *Kashmir Times*, 23 December 1992.
26. J&K Human Rights Perspective, March-April 2005.
27. *Kashmir Times*, 5 April 2003.
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30. *Kashmir Times*, 18 December 1994.
31. *Kashmir Under Siege*, Asia Watch, New York, May 1991, p. 155.
32. *Excelsior*, 27 January 1998.
33. *Kashmir Times*, 21 June 1998.
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36. *Indian Express*, 3 August 2003.
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38. *Views Today*, 14 July 2002.
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40. *Kashmir Times*, 2 June 2006.
41. *Excelsior*, 31 March 2002.
42. *The Hindu*, 26 November 2002.
43. *Kashmir Times*, 2 October 2001.
44. *Kashmir Times*, 13 May 2005.
45. *The Times of India*, 14 June 2003.
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48. Amnesty International News Service No. 120, 7 May 2004.
49. UNI, 4 May 2006.
50. *Kashmir Times*, 19 October 2005.
51. *Kashmir Times*, 29 March 1992.
52. *Excelsior*, 21 March 1992.
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58. *Kashmir Times*, 24 November 2005.
59. *Quami Waqur*, 3 3 December-6 January 2006.

60. *Daily News*, Lahore, 14 January 2005.
61. *Greater Kashmir*, 21 January 2007
62. J&K Human Rights Perspective, May-June 2005.
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64. *Indian Express*, 18 November 2005.
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66. *Newsday*, 30 December 2005.
67. *Excelsior*, 18 November 2005.
68. *Indian Express*, 19 November 2005.
69. *Ibid.*
70. *Excelsior*, 18 November 2005
71. *Ibid.*
72. *The Hindustan Times*, 17 November 2005.
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3. *Daily Times*, 25 May 2005.
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3. *The Times of India*, 9 January 1993.
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8. Allan Campbell, *Mission with Mountbatten*, London, 1951, p. 120.
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10. Sheikh Mohammad Abdullah, *Atash-I-Chinar*, Srinagar, 1986, p. 513.
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A Chronology of Important Events in Kashmir

1994

- 27 Jan. 18 killed in firing on civilians by the Army at Kupwara.
- 21 May. JKLF chief Yasin Malik released on orders of the Supreme Court. Declares renunciation of violence.
- 20 Jun. Qazi Nisar Ahmad, Mirwaiz of South Kashmir killed in Anantnag allegedly by Hizb-ul- Mujahideen. Over 50,000 demonstrators raise anti-Pakistan and anti-Hizb slogans.
- 12 Aug. Election to newly constituted Leh Autonomous Hill Development Council.
- 14 Oct. Shabir Ahmad Shah released after about 20 years in detention. Forms Democratic Freedom Party. Jammu Autonomy Front reiterates demand for regional autonomy.
- 25 Oct. First elections to the newly constituted Northern Area Council (Pak occupied Gilgit and Baltistan)
- 31 Dec. Jama-at-I-Islami chief Syed Ali Shah Geelani and People's Conference chief Abdul Ghani Lone released.

1995

- 7 Mar. Following intelligence reports that terrorists of Hizbolla and the HuA were holed up in the Charar-e-Sharief shrine, security forces

A CHRONOLOGY OF IMPORTANT EVENTS IN KASHMIR

cordon off the town. The terrorists joint group within the shrine is subsequently led by Mast Gul of the Hizbolla.

11 May. Army storms Charar-e-Sharief shrine; Mast Gul and Mohammad Zubair, leaders of the HuA group, escape. A top terrorist of the HuA, Abu Jindal arrested while escaping site of siege; the shrine and a part of the town burnt down in the storming.

3 Jul. Four foreigners abducted from Pahalgam. A shadowy outfit, Al Faran claims responsibility. Demands release of 21 terrorists held in Indian jails, including that of top HuA leaders.

7 Jul. HuA reiterates ban on Amarnath Yatra, a ban that was imposed by most terrorist groups in 1994 demanding removal of security bunkers around Hazratbal shrine; All terrorist outfits except HuA withdrew ban after security forces bunkers were removed.

20 Jul. Bomb explosion in Jammu set off by HuA kills 20 persons and threatens Amarnath Yatra.

1996

30 Mar. Security forces storm JKLF's (Amnanullah's group) Hazratbal office; 33 terrorists killed wiping out JKLF (Amnanullah) entirely.

7 to 30 May. Elections for six parliamentary seats in the State held in three phases.

7-30 Sep. Elections to the State Legislative Assembly completed in four phases. Farooq Abdullah sworn in as Chief Minister.

13 Nov. Regional Autonomy Committee appointed with Balraj Puri as the working chairman.

1997

17 Mar. Elections to the legislative Council held; National Conference wins all but one seat; BJP bags a lone seat.

- 22 Mar. 8 Kashmiri Pandits killed at Sangrampur in Budgam district.
- 7 Aug. Dr. Karan Singh resigns as the Chairman, State Autonomy Committee Ghulam Mohi-ud-Din Shah replaces Dr. Singh.
- 8 Aug. 5-Member State Human Rights Commission appointed.
- 8 Oct. United States officially identifies HuA as terrorist outfit.

1998

- 25-26 Jan. Kashmiri Pandits killed at Wandhawa.
- 30 Jan. Panic firing by security forces on a search operation in Marwah, Doda district, kills nine civilians and injures forty others
- Sep. Indian Prime Minister Atal Bihari Vajpayee and Pakistan Prime Minister Nawaz Sharif meet in New York; Announce agreement to resume peace talks, beginning with diplomats discussing peace, security and Kashmir in Islamabad.
- 4 Oct. Over 700 terrorists owing allegiance to Osama Bin Laden cross over from Pakistan to Kashmir to participate in the insurgency, a London newspaper, Sunday Times reports.

1999

- 21 Jan. Balraj Puri removed from his post as working chairman of the Regional Autonomy retrospectively from 31 December 1998, after he submitted his report in June 1998, without considering it.
- 21 Feb. Indian and Pakistani Prime Ministers meet in Lahore; Sign Joint Declaration expressing resolve to settle all contentious issues between the two countries, including Kashmir, through bilateral dialogue.
- 26 May. India launches air attacks on intruders in Kargil.
- 4 Jul. US-Pakistan joint statement released, Pakistan agrees to "persuade" intruders to withdraw from Kargil heights.

26 Jul. Kargil war officially over

31 Dec. Indian Airlines Flight IC 814 from Kathmandu to New Delhi, hijacked enroute. Hijackers force the plane to Amristar, Dubai, and their final destination, Kandahar.

Three terrorists flown to Kandahar along with Foreign Minister Jaswant Singh. Hostages released, hijackers and released prisoners permitted to leave Kandahar; reach Pakistan. The released terrorists include two Pakistani nationals Maulana Masood Azhar and Ahmad Umar Syed Sheikh and a Kashmiri, Mushtaq Ahmad Zargar.

2000

- 19 Mar. U.S. President Bill Clinton arrives in India. Declares that Kashmir is a problem of Hindu-Muslim relations.
- 20 Mar. Militants kill 35 Sikhs in Chhatisinghpura in Kashmir
- 4 Jul. Union Cabinet rejects demand for autonomy by the Jammu and Kashmir legislature
- 25 Jul. Hizbul Mujahedeen declares unilateral ceasefire for three months.
- 1 Aug. 100 civilians killed by rival militants groups in different parts of the state
- 8 Aug. Hizb calls off cease fire.
- 19 Nov. Prime Minister Vajpayee announces suspension of combat operations against militants in J&K during the holy months of Ramzan.
- 23 Dec. Lashkar-e-Tayyeba claims responsibility for the attack on Red Fort in Delhi.

2001

- 9 Feb. Gujjar-Bakerwal families of village Kot- Charwal including seven children, three women and five men were burnt alive by setting ablaze their houses.

23 May. Indian government calls off ceasefire. Invites General Musharraf for talks at Agra.

4 Jul. India releases 400 Pakistani prisoners as a goodwill gesture for summit talks.

14-16 Jul. Three day Vajpayee-Musharraf talks at Agra end in failure.

1 Oct. In a major offensive militants attack the Jammu and Kashmir assembly complex in Srinagar, leaving 38 people dead. Chief Minister Farooq Abdullah urges the Indian government to launch a crackdown on militants training camps across the border in Pakistan.

13 Dec. A group of militants storm into the Indian Parliament House in Delhi killing 14 people including four out of five assailants.

2002

2 Jan. Long distance telephone calls and internet facilities in Jammu and Kashmir suspended by the government of India in order to cut off communication facilities of the militants.

7 Jan. After weeks of heated rhetoric, accusations and military posturing, Indian Prime Minister Atal Bihari Vajpayee says at the South Asian Regional Cooperation meeting in Kathmandu, Nepal, that his nation is ready for "dialogue" with its fellow nuclear power Pakistan.

11 Jan. India's army chief says the nation is ready for war with Pakistan and would use its nuclear weapons if its neighbour were to launch a nuclear strike first.

2 May. India says it will restore full diplomatic ties with Pakistan, appointing a new ambassador to Islamabad and renewing air links between the two neighbours.

21 May. Senior separatist leader Abdul Gani Lone of the Peoples Conference is killed by unidentified gunmen during a public meeting of the Hurriyat Conference to pay tributes to the late Maulvi Mohammad Farooq in Srinagar.

2 Nov. Mufti Mohammad Sayeed of PDP is sworn in as the new Chief Minister of J&K in a coalition arrangement with the Congress.

2003

9 Jan. Chief Minister Mufti Mohammad Sayeed announced that the Kargil Hill Development Council would be set up soon to speed-up development in the border district of the Ladakh region.

23 May. In Kashmir gunmen shoot to death Abdul Majid Dar, the former leader of Hizb, Kashmir's largest Islamic rebel group, in what may have been retribution for talks with the Indian government.

24 Mar. Suspected Islamic militants in Indian army uniforms drag 24 Hindus out of their homes, line them up outside a temple and shoot them to death in a remote village of Nandimarg in Kashmir.

18 Apr. Prime Minister Vajpayee extends hand of friendship to Pakistan at Srinagar.

11 Jun. Lt. General S.K. Sinha takes over as Governor of the state.

26 Nov. Ceasefire along Line of Control . India accepts Pakistan offer.

2004

2 Jan. A day before Prime Minister Atal Behari Vajpayee's visit to Pakistan to attend the South Asian Association for Regional Cooperation (SAARC) summit, two fidayeen (suicide squad) terrorists attack the Jammu Railway Station killing four security force (SF) personnel and injuring nine others and six civilians.

6 Jan. India and Pakistan agree to commence the process of composite dialogue from February 2004 to resolve all outstanding bilateral issues, including Kashmir.

26 Jun. Militants kill 12 Gujjars (all Muslims).

25 Jul. Syed Salahuddin, chief of Hizb-ul-Mujahideen, said in Islamabad that the outfit will declare a ceasefire if the Indian government withdraws

its troops from Jammu and Kashmir and begins tripartite negotiations on the Kashmir issue.

7 Aug. Separatist leader Syed Ali Shah Geelani floats his own party, the Tehreek-e-Hurriyat, Jammu & Kashmir (TH). With support from his parent organisation, the Jamaat-e-Islami, Geelani announced that he will function as chairman of his TH as well as his faction of the APHC.

17 Nov. In a virtual rejection of Pakistan President Pervez Musharraf's new formula on Kashmir, Prime Minister Manmohan Singh states that India will not accept any proposal for redrawing of the International Border or further division of the country.

2005

29 Jan. to 7 Feb. Four-phase civic polls in Jammu and Kashmir held.

16 Feb. Pakistan and India agree to start a bus service between Muzaffarabad in Pakistan Administered Kashmir (PAK) and Srinagar in Jammu and Kashmir from 7 April 2005, where people from Kashmir, Pakistan and India can travel across the Line of Control (LoC) with an entry permit. Foreign Minister Khurshid Kasuri announces this in Islamabad in a joint statement with his Indian counterpart Natwar Singh after talks between the two.

6 Apr. A day before the bus from Srinagar to Muzaffarabad in Pakistan Administered Kashmir is to be flagged off, two Fidayeen (suicide squad) terrorists attack the Tourist Reception Centre which was reportedly accommodating 24 passengers. Both the terrorists are killed in the ensuing gun-battle and seven persons, were injured. 45 persons, including the passengers, were evacuated to safety.

7 Apr. The trans-Line of Control (LoC) bus service between Srinagar and Muzaffarabad commences without incident and passengers from both sides arrive safely in the two capitals. While Prime Minister, Dr. Manmohan Singh, flagged off the bus from Srinagar, Sikandar Hayat Khan, the Prime Minister of Pakistan Administered Kashmir (PAK), did the same in Muzaffarabad.

17 Apr. In their talks in New Delhi, Prime Minister, Dr. Manmohan Singh, and the Pakistan President, Gen. Pervez Musharraf, commit themselves to increasing the frequency of the Srinagar-Muzaffarabad bus service and commencing the Munabao-Khokhrapar railway link by the end of December 2005. While the Prime Minister described the talks as "very positive, fruitful and forward-looking," Gen. Musharraf said progress had been made in the discussions during which all issues, including Jammu and Kashmir had come up.

Gen. Musharraf meets leaders of the separatist All Parties Hurriyat Conference (APHC) at the Pakistan House in New Delhi on the night of 17 April. Both factions of the APHC, led by Mirwaiz Umer Farooq and Syed Ali Shah Geelani, meet the President separately and apprise him of their views on the situation in J&K.

18 Apr. India and Pakistan underline that the peace process between the two countries is "now irreversible," and agree to open trade across the Line of Control (LoC) by allowing trucks between Srinagar and Muzaffarabad, open the trans-LoC Poonch-Rawalakot route and take steps for the meeting of divided families along the LoC. Condemning the attempts to disrupt the Srinagar-Muzaffarabad bus service, the Prime Minister, Dr. Manmohan Singh, and the Pakistan President, Gen. Pervez Musharraf, pledge in a joint statement that they "would not allow terrorism to impede the peace process."

2 Jun. The APHC faction headed by Mirwaiz Umar Farooq travels on the Srinagar-Muzaffarabad bus.

5 Sept. Prime Minister Manmohan Singh holds talks with leaders of the Hurriyat Conference faction led by Mirwaiz Umar Farooq in New Delhi and is reported to have assured that conditions will be created for reduction of armed forces in Jammu and Kashmir if there is a cessation of violence and an end to infiltration.

19 Sep. Syed Ali Shah Geelani describes Pakistan President Pervez Musharraf's invitation to elected representatives of Jammu and Kashmir as "contradictory" to Islamabad's stance on Kashmir. "Pakistan in a way has accepted the representative character of these political leaders

and was surrendering its 57-year-old stand over the Kashmir issue," he said.

8 Oct. Earthquake hits J&K on both sides of LOC. 87,000 people killed

2 Nov. Congress leader Ghulam Nabi Azad becomes the Chief Minister of J&K.

7 Nov. Chakan Da Bagh LOC point in Poonch district opened for transfer of relief Material to the quake affected areas. Both sides of J&K exchange relief material.

22 Nov. Five LOC points opened for civilian traffic

2006

7 Jan. Islamabad: President Gen Pervez Musharraf announces a four-point formula on Kashmir. Four points include joint management by India and Pakistan if the state of Jammu and Kashmir, demilitarisation, identify regions and self rule to five region for three regions of the state on the Indian side and two on Pakistan side.

25 Feb. First All party Round Table Conference hosted by Prime Minister at New Delhi. The conference boycotted by Separatists.

24 Apr. Bypolls to four Assembly Constituencies including three in Baramulla district and one in Doda district. In some of the constituencies like Bhaderwah the voter turnout was seventy per cent.

1 May. 35 Hindus killed in Doda and Udhampur area of Jammu region.

24 May. Second Round Table Conference. Five working groups are announced to study various issues of Jammu and Kashmir including Centre-State relations.

19 Jun. Second trans LOC bus service starts with the start of the Poonch-Rawalakot bus service.

6 Jul. Eight new districts of J&K carved out.

11 Jul. Polls to Pakistan administered Jammu and Kashmir held. Sardar Attique Rehman becomes Prime Minister.

3 Aug. British Prime Minister Tony Blair compares Chechnya, Iraq and Afghanistan conflicts with Kashmir.

28 Oct. Former Jammu and Kashmir Chief Minister Mufti Muhammad Sayeed says that his 'self-rule formula for Kashmiris on both sides of the Line of Control' is the possible solution to the Kashmir crisis.

2007

6 Feb. Former Jammu and Kashmir chief minister Mufti Mohammed Sayeed and his daughter, People's Democratic Party (PDP) chief Mehbooba Mufti ask the state government to withdraw their security guards and urge Chief Minister Ghulam Nabi Azad to honour his word to withdraw troops.

1 Mar. Mehbooba Mufti, president of the People's Democratic Party (PDP), a partner in the ruling coalition in Jammu and Kashmir, meets Prime Minister Manmohan Singh here Thursday and demands the reduction of troops in the militancy-hit state and revocation of special powers to the security forces.

15 Mar. Prime Minister Manmohan Singh tells the PDP—partner in Jammu & Kashmir coalition government—that troop reduction in civilian areas of the state is not possible immediately and that any decision on this can be taken only after assessing the infiltration level around mid-summer. The Prime Minister says the Centre feels that the security situation is not ripe and conducive at the moment to take any decision on demilitarisation. "If the diminishing trend (in violence) continues in summer, we can review the situation," he said.

24 Apr. The Third Round Table Conference (RTC) on Jammu and Kashmir is held in New Delhi on 24 April. Separatists boycott the Conference but it is attended by Jammu and Kashmir Democratic Liberation Party (JKDLP), headed by Hashim Qureshi.

27-28 Apr. Former Prime Minister of PAJK, Sardar Abdul Qayum Khan, visits New Delhi. Meets Prime Minister Manmohan Singh, former Prime Minister I.K. Gujral, J&K Chief Minister Ghulam Nabi Azad, former chief minister Mufti Mohammad Sayeed and Farooq Abdullah.

8 Jun. A purported al Qaeda CD is reported to have referred to Kashmir as the "Gateway of Jihad against India". The Government of India has reportedly ordered an investigation to judge the authenticity of the CD that carried a recorded statement of an Urdu speaking masked gunman.

17 Jun. The Northern Command's General Officer Commanding-in-Chief, Lt. Gen. H. S. Panag puts the deployment of Army personnel in the state to 3, 37,000. According to him, only 25 per cent of this number are into in depth counter-insurgency operations within the state. Of the rest, 45 to 50 per cent are deployed along the LoC and Actual Line of Control to counter-infiltration and the remaining are at permanent locations (garrisons), including support services. On the strength of militants active in the State, the Army commander said that data from various agencies have revealed the headcount of terrorists at 1,140.

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